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The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 28 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations that took place on 21 and 22 May 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

07-36165 (E) 310507 310507

Annex to the identical letters dated 28 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical summary of Israeli violations on 21 and 22 May 2007

At 1200 hours on 21 May 2007, in the town of al-Bazuriyah in the Tyre area, a cluster bomb left behind by the Israeli enemy exploded, resulting in injury to Jamil Husni Jaffal, who was subsequently taken to the Jabal 'Amil hospital.

At 2130 hours on 21 May 2007, enemy Israeli aircraft overflew Bint Jubayl at high altitude.

At 2150 hours on 21 May 2007, enemy Israeli aircraft overflew Tibnin at medium altitude.

At 0015 hours on 22 May 2007, enemy Israeli aircraft overflew Hasbaya at medium altitude.

At 0100 hours on 22 May 2007, enemy Israeli aircraft overflew Jiba' at high altitude.

At 0930 hours on 22 May 2007, enemy Israeli aircraft overflew Tyre at medium altitude.

At 0940 hours on 22 May 2007, a reconnaissance aircraft belonging to the Israeli enemy overflew Tibnin at medium altitude.

At 1000 hours on 22 May 2007, enemy Israeli aircraft overflew Marj'ayun, Tibnin and Bint Jubayl at medium altitude.

At 1130 hours on 22 May 2007, enemy Israeli reconnaissance aircraft overflew Jiba' and Hasbaya at high altitude.

At 1330 hours on 22 May 2007, on the outskirts of the town of 'Ayta al-Sha'b at the Khillat Wardah location on the border with occupied Palestine inside the Bint Jubayl detachment zone, the sound of an explosion of indeterminate cause was heard.

At 1530 hours on 22 May 2007, at the edge of the town of Shab'a in the area around 'Ayn al-Jawz, Lebanese Army Corps of Engineers personnel detonated cluster bombs left behind by the Israeli enemy in Hasbaya.

At 1615 hours on 22 May 2007, a reconnaissance aircraft belonging to the Israeli enemy overflew Tibnin at medium altitude.

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United Nations Monitoring, Verification and Inspection Commission

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Security Council the twenty-ninth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). It is submitted by the Acting Executive Chairman of UNMOVIC in accordance with paragraph 12 of Security Council resolution 1284 (1999).

07-35926 (E) 010607

Twenty-ninth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)

I. Introduction

1. The present report, which is the twenty-ninth submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999), covers the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) during the period from 1 March to 31 May 2007.

II. Developments

2. During the period under review, the Acting Executive Chairman continued the practice of briefing the respective Presidents of the Security Council, representatives of Member States and officials of the Secretariat on the activities of UNMOVIC.

III. Other activities

Compendium of proscribed weapons programmes of Iraq

3. The sanitized version of the compendium, with sensitive material appropriately redacted, is on schedule for completion by early summer, to be placed on the Commission's website thereafter.

Small quantities of chemical and biological warfare agents

4. There have been several well-known incidents worldwide in which biological and chemical agents were acquired and used against unprotected populations by non-State actors. The attacks, which varied in both the agents used and their dispersion models, revealed that biological or chemical warfare agents used in small quantities can be lethal, deeply alarm public opinion and caused a sharp increase in security measures.

5. It has been reported in the media recently that insurgents in Iraq have been utilizing toxic industrial chemicals such as chlorine (combined with explosives for dispersal) for the purpose of harming the unprotected population. Such attacks have resulted in the killing of tens and injuring of hundreds of people throughout Iraq. To date there have been at least 10 reported attacks using various quantities of chlorine, while several other attempted attacks using chlorine and other toxic products have reportedly been foiled by the security forces.

6. Given the current security situation in Iraq, it is possible that some non-State actors will continue to seek to acquire toxic agents or their chemical precursors in small quantities. In addition to using the available supplies of chlorine spread throughout Iraq, non-State actors could also seek to acquire other, more toxic agents that are either indigenously produced or procured from abroad.

7. The possibility of this scenario is due to a number of factors in Iraq. One is the existence of chemical weapons-related expertise in the country, with hundreds of scientific and technical personnel having been involved in the past chemical weapons programme. Another factor is related to the availability and possibility of misuse of dual-use chemical production equipment previously monitored by the Commission. Through satellite imagery, UNMOVIC has identified a number of buildings and structures that used to contain such equipment that had been demolished or damaged by 2004. The fate of this equipment, which can be utilized for the production of small/single batches of chemical weapons agents or their precursors, and the fate of equipment in buildings that remained intact is unknown. A third factor is the existence of procurement networks, which could facilitate the acquisition of precursors in quantities adequate for the production of small quantities of chemical agents.

8. UNMOVIC is refining its study on the issue of small quantities in both the chemical and biological areas. The results are set out in the annex to the present report.

IV. Other issues

Field offices

9. In Baghdad, the two remaining UNMOVIC local staff, co-located with the United Nations Assistance Mission for Iraq in the international zone, continued to perform routine maintenance on the office support equipment that had been brought to an area within the international zone from the former United Nations Canal compound when it closed.

10. Two UNMOVIC technical experts visited the field office in Cyprus from 18 to 27 March to perform maintenance on the inspection and support equipment stored there. The experts categorized the equipment, identified obsolete equipment, and trained the field office staff on routine maintenance procedures.

Staffing

11. At the end of May 2007, UNMOVIC headquarters core staff at the Professional level totalled 34. The staff are drawn from 19 nationalities; 7 are women. Due to the continuing drawdown of UNMOVIC staff, the New York office has consolidated its office space, resulting in lower operating costs.

Technical visits, meetings and workshops

12. UNMOVIC experts attended INTERPHEX 2007, which took place in New York from 24 to 26 April. INTERPHEX is the largest showcase for new and emerging pharmaceutical and biological manufacturing and processing equipment and technologies. Products and equipment were available for "hands-on" access. They included autoclaves; centrifuges; dispersing and mixing equipment; drying, fermentation and reaction vessels; and filtration, milling and process control equipment. The equipment and technologies displayed enable UNMOVIC experts to remain up to date with the latest developments in the field.

13. At the invitation of the Non-Governmental Organization Committee on Disarmament, Peace and Security and the Office for Disarmament Affairs, an

UNMOVIC expert was invited to make a presentation on 19 April on technical advances and field experiences for use in biological verification. In addition, the same UNMOVIC expert was invited by the Center for Technology and Engineering of the United States Government Accountability Office to discuss and make a similar presentation on 3 May, in Washington, D.C.

14. An UNMOVIC staff member attended, at no cost to the organization, an international meeting on the theme "Missile proliferation: new challenges and new responses", held on 2 May in Copenhagen. The meeting was organized by the Danish Institute for International Studies to mark the twentieth anniversary of the Missile Technology Control Regime. The UNMOVIC expert was invited to make a presentation on the United Nations Special Commission/UNMOVIC experience in disarmament and monitoring in the missile area.

15. From 22 to 25 May, an UNMOVIC expert attended the ninth Symposium on Protection against Chemical and Biological Warfare Agents, held in Gothenburg, Sweden. A presentation entitled "Experience from United Nations disarmament and monitoring activities in Iraq" was given during the opening session. The symposium was attended by nearly 1,000 participants and 100 exhibitors with interests in the subject of chemical and biological warfare. The agenda for the symposium included the detection and identification of chemical and biological agents, forensic analysis, protection, filters and respirators, decontamination, developing technologies and international operational standards in the field.

16. A hands-on training seminar was held in New York on 18 May for headquarters technical staff on the rapid determination of the presence of micro-organisms and biological toxins using new and sensitive immunological methods. The new platform is easy to use, compatible with complex matrices and utilizes ready-to-use reagents. Such a system would enhance the biological analysis and detection capabilities of UNMOVIC.

Training

17. During the reporting period, UNMOVIC conducted a specialized missile training course in Argentina from 26 February to 8 March. Eighteen experts from the UNMOVIC roster, from 14 countries, participated in the course. Training included the implementation of an improved missile verification system, as outlined in the Commission's earlier reports to the Security Council (S/2005/742 and S/2007/106).

18. UNMOVIC is preparing the next training course for its roster personnel. The course, designed to develop a better understanding of the technologies and equipment involved in the operation of refineries and petrochemical plants is being organized with the support of the Government of Qatar and will be held in Doha from 9 to 21 June. It will be the third such multidisciplinary technology course (the first such course was conducted in Canada, in October 2005, and the second, in Romania, in October 2006). As part of the training programme, the participants will visit a number of refinery and petrochemical complexes and conduct practical exercises at facilities offered by the host country.

19. UNMOVIC is currently engaged in discussions with a number of Member States (in particular, Argentina, Brazil, Germany and France) concerning future training courses for UNMOVIC roster personnel to be held in their respective

countries. The Commission is grateful to the Governments that have offered their support for UNMOVIC training activities.

V. College of Commissioners

20. The UNMOVIC College of Commissioners convened its twenty-sixth regular session in New York on 23 and 24 May. Observers from the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons also attended.

21. The Acting Executive Chairman briefed the College on the activities of UNMOVIC since the last session and on planned activities for the next quarter.

22. The College welcomed three presentations: on imagery on chlorine and other toxic chemical sites in Iraq; on satellite imagery; and on the preparations for the archiving of UNMOVIC documents and related material.

23. The College further thanked the Acting Executive Chairman for his comprehensive statement in which he outlined the remaining unresolved disarmament issues in the current UNMOVIC assessment regarding items, materials and capabilities with respect to Iraq. As a subsidiary organ of the Council, UNMOVIC would be ready if so requested to make available to the Council its technical advice on that matter. There was broad support for maintaining the unique expertise and experience and the well-trained roster of inspectors that had been built up over the past 16 years, even after the termination of the mandate of UNMOVIC. However, it was acknowledged that a new source of funding needed to be sought, if such expertise were to be kept. It was underlined that once dispersed, it would be difficult and more costly to revive that expertise. It was agreed that it was important to ensure an orderly termination of the Commission's mandate once it was so decided.

24. In accordance with paragraph 5 of resolution 1284 (1999), the Commissioners were consulted on the contents of the present report.

Appendix

The issue of small quantities of biological and chemical warfare agents

Chemical area

1. The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) reported on the initial stage of the study of the issue of small quantities in its report to the Security Council of February 2005 (S/2005/129). In both the chemical and biological areas, the study was to identify any possible proliferation implications from all the changes in post-2003 Iraq. Since that report, all known chemical warfare agents and all dual-use compounds acquired and used by Iraq for its past chemical weapons programme, including chlorine, were considered. Other toxic chemicals that could be obtained as poisonous industrial by-products, for example dioxins, which are not covered under the terms of Council resolutions, were excluded from consideration.

2. The interpretation of how small the "small quantities" of toxic chemicals should be is complicated. Nevertheless, this question was approached based on the UNMOVIC knowledge of Iraq's chemical weapons activities, rather than on the knowledge of chemical weapons-related programmes of other States possessors. Iraq (and other States) in the past used such terms as "military significant quantity of chemical weapons". This term, however, does not have a universal definition owing to differences in the military doctrines of States that have acquired chemical weapons stockpiles. According to Iraq, it produced chemical weapons both for first strikes and as retaliation weapons. Iraq declared the production of nearly 4,000 tons of chemical weapons agents (for comparison, the chemical weapons stockpiles of some other States possessors were about 10 times this quantity).

3. The evaluation of small quantities of toxic agents for monitoring purposes (well below the military significant level), has been conducted only in an empirical way. Such an evaluation was made based on the estimated quantities used by Iraq in the past for research and development purposes. For example, Iraq declared that its past research and development projects at the main chemical weapons production site, Muthanna State Establishment, resulted in the synthesis of chemical weapons agents or their precursors within the range of a few grams to a few hundred kilograms. Therefore, the term "small quantities" of chemical weapons agents in the case of Iraq should be understood to mean quantities within the range of grams to kilograms, rather than tons.

4. Four critical elements related to the possible acquisition of toxic agents in small quantities were identified. The first is production capability, comprised of raw materials, equipment and associated sites/locations. Large-scale production of chemical weapons agents or their immediate precursors is usually associated with industrial-scale plants with specific process and physical configurations. However, small quantities of such chemicals can be produced at nuclear, biological and chemical laboratories, analytical and quality control laboratories, commercial research and development centres, universities or pilot-scale units installed at both chemical and non- and chemical facilities. Small-scale process equipment used for chemical weapons synthesis does not usually require any specific features, since it is

mostly standard glass equipment. It can easily be destroyed, replaced or disassembled, if necessary.

5. The second element deals with the possibility of finding pre-1991 chemical munitions in Iraq. In its twenty-sixth report to the Security Council (S/2006/701), UNMOVIC[a] noted that various data on past production, filling and storage of Iraqi chemical weapons suggest that any remaining mustard-filled artillery shells could still contain viable agent, as Iraq consistently produced mustard of high purity. It is unlikely that any rocket warheads filled with nerve agents would still contain viable agent, as they were less robust than the artillery shells and their content of lesser purity was subject to degradation. However, because of the varying quality of the nerve agent produced, it is possible that, even degraded, it can still pose a health hazard associated with the toxic effects of chemical agents or their degradation products.

6. The third element is the procurement, both legitimate and illegitimate, of small quantities of dual-use chemicals or even chemical weapons agents. The quantities of dual-use chemicals traded worldwide for research and development purposes, unlike quantities at the level of industrial-scale trade, are not as highly regulated internationally. The worldwide trade of small quantities has unknown trends involving comprehensive procurement networks. The networks are largely comprised of private individuals — scientists who are capable of synthesizing chemicals on demand in their own laboratories. The shipment of small quantities of dual-use chemicals by individual suppliers, even via commercial courier companies, does not pose any significant difficulty, given that the name and basic properties of the chemical being shipped in the packaging documents can be falsified. It should be noted that, since March 2003, neither Member States nor Iraq have been providing UNMOVIC with notifications of the sale or supply to Iraq of dual-use items as required by the export/import monitoring mechanism created by Security Council resolution 1051 (1996). Council resolution 715 (1991) requires that dual-use items be under monitoring.

7. The fourth element related to the acquisition of small quantities is the proliferation of chemical weapons knowledge. Iraq possessed an extensive chemical-weapons-related cadre of scientists experienced not only in production but also in the delivery and dissemination of chemical weapons agents. The number and current location of the remaining chemical weapons experts in Iraq are not known to UNMOVIC. This factor, combined with the technical know-how of chemical weapons production technologies that could still be available in Iraq, and the potential interest of non-State actors, poses a proliferation risk in terms of small quantities of toxic agents (for both their acquisition and use). In its addendum of March 2005, the United States-led Iraq Survey Group, searching for weapons of mass destruction in Iraq, concluded that while the danger remains that insurgents may seek Iraqi expertise, the subset of individuals who possess the unique weapons

[a] During the war between Iraq and the Islamic Republic of Iran, Iraqi regular military units in areas of operation received and used both conventional and chemical weapons. Because of the rapid relocation of many of these units after the war and the dozens of locations involved in the handling of the weapons, there is a possibility that chemical munitions became inadvertently mixed with conventional weapons. Moreover, some chemical munitions filled with chemical warfare agents did not differ in their markings from standard conventional weapons, which made their identification as chemical munitions problematic, not only for United Nations inspectors and later personnel of the Iraq Survey Group, but also for Iraq.

of mass destruction skills of proliferation concern is numerically low. But it should be noted that there are a large number of scientists who have been associated with Iraq's chemical weapons programme, in the UNMOVIC database. Nevertheless, the Iraq Survey Group concluded that because a single individual can advance certain weapons of mass destruction activities, it remains an important concern.

8. Unlike the military use of chemical weapons agents, the application of toxic compounds by non-State actors does not require special delivery means such as chemical bombs, artillery projectiles, spray tanks, rocket warheads or missile warheads. Primitive devices, such as plastic bags, smoke generators and aerosol cans, filled with toxic compounds, have been known to be used against an unprotected population by terrorists in the past. Also, it cannot be excluded that pre-1991 chemical munitions, especially mustard projectiles, if found, could be used, knowingly or unknowingly, by non-State actors in Iraq.

9. By its design, the chemical monitoring system implemented by the Commission in Iraq was capable of dealing with a number of key tasks. It involved the verification of Iraq's declared activities on both the industrial and research and development scale, involving the monitoring of dual-use chemicals, equipment and technologies. In addition, the verification of the end use of such dual-use items, irrespective of their origin, was implemented through a combination of the export/import monitoring mechanism (notifications from Iraq and Member States) and on-site inspections.

10. The ongoing monitoring and verification system implemented in Iraq under Security Council resolution 715 (1991) aimed to deter and/or detect the diversion of industrial-scale dual-use capabilities for prohibited purposes. This task was implemented through both the monitoring of declared activities and the examination or verification of information about activities that had been provided to the Commission by intelligence, found by inspectors, or identified through other sources. During the period from 1993 to 1998, and a few months in 2002 and 2003, when the monitoring system was implemented in Iraq, the Commission was able to conclude with a high level of confidence that no diversion of industrial-scale dual-use items for proscribed activities had occurred. A similar conclusion could be drawn with regard to Iraq's smaller-scale dual-use capabilities (such as research and development), which had also been subject to monitoring and inspections. The export/import monitoring mechanism provided an additional assurance that Iraq was complying with its obligations not to acquire items and materials proscribed to it, for both research and development and industrial-scale chemical activities.

11. However, Iraq's declarations under Security Council resolution 715 (1991) and export/import monitoring notifications under resolution 1051 (1996), have thresholds below which declarations are not required. For dual-use chemicals covered by the monitoring plan (including chlorine and other industrial compounds) which could be used for chemical weapons purposes but also have wide commercial applications, there is a declaration threshold of 1 ton or more of production, processing, consumption, storage and export/import per year, at a specific site. The declaration of quantities below 1 ton is not required under the ongoing monitoring and verification plan. However, information on such smaller quantities was previously declared based on practical arrangements between the United Nations Special Commission and Iraq. According to that arrangement, all production activities above 100 kilograms (kg) per year were declared. All research and

development activities involving dual-use chemicals in quantities of 50 kg and more per year were also declared. According to the 2002 semi-annual monitoring declarations provided by Iraq, about 90 per cent of the activities involving dual-use chemicals fell in the range of between 50 kg and 1 ton. The ongoing monitoring and verification plan also provides that all mixtures and forms of dual-use chemicals (i.e., those permitted to Iraq, but subject to United Nations monitoring) in all possible concentrations are declarable.

12. Under the terms of the export/import monitoring mechanism, there is a quantity-independent approach requiring that UNMOVIC be notified of dual-use chemicals. No quantities of any prohibited chemicals can be procured by Iraq unless authorized by UNMOVIC.[b] The export or import of dual-use chemicals should be reported regardless of quantity. However, according to the 2001 revised version of the export/import lists, mixtures with less than 10 per cent of dual-use chemicals are exempted from the notification mechanism. This has implications from the standpoint of verification of the acquisition of small quantities of dual-use chemicals. Mixtures containing dual-use chemicals are usually easier to produce and then to separate at a small scale rather than at an industrial scale, since the technological parameters of such separation can be easily controlled. Additionally, the exemption of mixtures with less than 10 per cent of dual-use chemicals does not allow for the cross-checking of information from both Iraq and the foreign supplier.

13. The current versions of the lists of chemicals covered by the export/import monitoring mechanism and those covered by the ongoing monitoring and verification plan are slightly different from the export/import lists, which were updated in 2001. As a result of the convening of a panel of international experts to examine the issue of revising the lists, certain chemicals, for example chlorine, were removed from the export/import lists, but no changes were made in respect to the chemicals listed under the ongoing monitoring and verification plan.

14. With respect to equipment, according to both the ongoing monitoring and verification plan and the export/import monitoring mechanism, certain thresholds are applicable for the declaration or notification of dual-use chemical process equipment. For example, a 50 litre threshold has been set for certain chemical reactor vessels. However, inspectors used a practical approach for monitoring dual-use process equipment installed in Iraq's facilities, where important equipment was identified and tagged, irrespective of their capacity or other specifications (such as material of construction). In general, the monitoring of chemical process equipment allowed inspectors to obtain additional information on activities involving dual-use chemicals at the particular site.

15. The past implementation of the ongoing monitoring and verification plan in the chemical area in Iraq allowed the monitoring of small-scale activities (production, processing, consumption, storage and export/import) involving dual-use chemicals, equipment and technologies. The ongoing monitoring and verification plan also has the flexibility to address the new factors that have emerged in Iraq since 2003, given the set of the rights allocated by the Security Council to the United Nations inspectors, especially the right of immediate and

[b] The ongoing monitoring and verification plan has two lists of chemicals; List A are dual-use chemicals permitted to Iraq but subject to declaration and monitoring, while List B are those proscribed to Iraq. However, the plan lays out procedures for Iraq to request exemptions from List B if it can make a sufficient case for their import.

unconditional access to a site, location or vehicle that might be suspected of involvement in undeclared/prohibited activities, as well as to personnel and documents.

16. There are new factors to consider in the post-2003 Iraq, which are related to the small quantities issue. The first factor relates to the probable increase in the number and scope of legitimate research and development activities involving small quantities of dual-use chemicals, including their procurement from abroad. In the past, Iraq was largely isolated from the international scientific community and therefore the number and scope of such activities remained restricted. An additional factor relates to the change of ownership of industry in Iraq. All institutions, including joint ventures and private companies in Iraq previously declared by Iraq as engaged in activities with dual-use chemicals or equipment on any scale had been either State-controlled or closely supervised by the State authorities and monitored by United Nations inspectors. This included the food, petrochemical, fertilizer, pesticide and explosives industries. Governmental control over non-State-owned establishments similar to that under the previous regime may no longer be in place. Therefore, it may be difficult for Iraq's authorities to collect a complete set of data on activities in the chemical area in the country without appropriate national regulations and/or requirements on its facilities and other entities. Additional sources of information regarding export/import activities on, for example, equipment and material as well as other information would be needed by the national authorities.

Biological area

17. Biological warfare agents may produce mass casualties in humans under certain conditions. The expression "small quantity of weapons of mass destruction" is open to debate. However, for this analysis, it is assumed to be the smallest quantity of biological agent that is capable of inflicting significant damage if disseminated in an efficient way.

18. There are only a few reported actual attacks with small quantities of biological warfare agents. Of these, two were bioterror and five biocrime incidents, which resulted in multiple casualties. Several other cases that resulted in casualties were individual assassinations or assassination attempts using biological agents or toxins, which are not included in this analysis.

19. With the exception of the so-called anthrax letters incident in the United States of America in 2001, all cases of bioterror/biocrime attacks that resulted in multiple casualties used agents that were not typical biological warfare agents. The agents used were mostly pathogenic micro-organisms available to the perpetrator through their profession and/or study.

20. Two biological warfare agents, botulinum toxin and ricin, were used in several unsuccessful bioterror attacks. In most of the incidents, it was difficult to ascertain if biological agents and/or toxins were used deliberately even in the cases with multiple casualties. Furthermore, it was often difficult to trace the source of agent and/or perpetrator. For example, in 1984, the deliberate contamination of food (known as the Oregon case) was not uncovered for more than a year after the actual incident, when the leader of a cult voluntarily admitted its involvement in the deliberate release. The perpetrator of the anthrax letters in the United States has yet to be found and there has been a lot of conflicting information published about the quality of the anthrax powder and the identity of the possible perpetrator(s).

21. It is widely believed that non-State actors can obtain biological agents and/or toxins from countries with biological weapons potential or by isolation from natural sources. It is also believed that if they involve personnel with some training and widely available equipment, and that the agents are used against highly populated areas, they may have devastating effects. However, a careful analysis of the bioterror attacks by the cult Aum Shinrikyo leads to a different conclusion.

- Aum Shinrikyo had at least four years time and considerable financial resources and well-equipped laboratories to support its biological projects, but it failed to inflict a single casualty despite about 10 attempts to disseminate botulinum toxin and anthrax in densely inhabited areas of Tokyo.
- For the project, they recruited qualified people with at least a graduate level of training in microbiology and molecular biology. The head of the cult's bioterror activities was a molecular biologist.
- The cult's biological team attempted to isolate toxigenic clostridium botulinum bacteria from natural sources without success. Their best isolate did not produce enough toxin to kill experimental animals. In addition, the cult failed to obtain a sample of ebola in 1992.
- The cult's members also tried to obtain biological-weapons-related knowledge and material from outside of Japan. Despite considerable financial resources, this attempt also failed.
- The cult's members attempted to buy coxiella burnetii (the causal agent of Q fever) from a Japanese scientist, but he declined to provide the micro-organism.
- Their biologists were not able to prepare enough concentrated slurry of bacillus anthracis or disperse it in an efficient way, as the dissemination device clogged and it produced a very large particle size. Additionally, they had only produced a harmless, non-pathogenic strain of bacillus anthracis.

22. Except for the anthrax letters case in the United States in 2001, the amounts of biological agents or toxins used in bioterror/biocrime attacks are not openly available. In the United States anthrax case, the letter sent to one addressee contained approximately 1 to 2 grams of powder containing bacillus anthracis spores. It is assumed that the other letters possibly contained about the same amount of anthrax powder. Thus, the total amount of the anthrax powder used in the incident may have been between 7 and 14 grams. This amount could have been prepared in one batch using a bench-top fermenter with a total working volume of about 10 litres.

23. The most critical step in known bioterror/biocrime incidents is the acquisition of biological agents or toxins. This acquisition is not as easy as it is widely asserted.[c] Access to reference strains of relevant micro-organisms from culture collections has been restricted and is now subject to regulation; as a consequence, their acquisition has become more difficult.

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[c] The isolation of a disease causing micro-organism from natural sources is a complex task. For example, in former known biological weapons programmes, it was necessary to evaluate hundreds of strains of clostridium botulinum to obtain a strain with high toxin production. Ricin may be obtained by isolation from natural sources; however, its use in small quantities will not inflict multiple casualties unless it is repeatedly used against several individuals for assassination.

24. Small amounts of biological agents for bioterror/biocrime purposes can be produced in research or diagnostic microbiology laboratories given the intent, access to the material, equipment and technical know-how, although this is not normal laboratory practice and might raise suspicions. The undeclared production of small amounts of biological agents and/or toxins can be performed in such laboratories at any time, while the possibility of detecting such production is rather limited. The incidental finding of many petri dishes with growing cultures of some pathogen relevant to bioterrorism may be indicative, if found in a diagnostic laboratory when there is no epidemic of the disease caused by that agent. However, in a research laboratory, such finding may have no value.

25. Small amounts of biological agent may be produced clandestinely in laboratories built for legitimate purposes. Such clandestine activity could be found through sampling and analysis. The monitoring agency must possess the necessary capabilities of experts, sampling kits and laboratory analysis to assess whether a laboratory could have been used for the production of biological threat agents.

26. It is difficult to maintain an efficient monitoring system based on the continuity of knowledge regarding dual-use equipment that would be suitable for the small-scale production of biological agents at the national level. Such equipment is widely used in the microbiology, biochemistry, cell biology and molecular biology laboratories in academia, industry and Government. The collection of data related to the acquisition, transfer and utilization of this equipment at the national level would certainly overload any monitoring regime with information. An alternative approach would be if the manufacturers and sellers of such equipment were to adopt measures necessary to ensure that only registered institutions with legitimate needs would be able to acquire such equipment. Many manufacturers of sensitive technology equipment (for example spray driers) have already adopted these measures.

27. The amounts of biological agent necessary to inflict mass casualties are not as small as it is often presented in open sources. For mass casualties, a biological attack requires the preparation of large volumes of raw materials that must be processed in pilot or industrial-scale equipment. Results from tests of biological munitions have shown that most biological agents will incapacitate or kill 50 per cent of people in an area of 1 square kilometre if about 1 to 5 kg of these agents is disseminated over this area evenly, with 100 per cent efficiency. For the preparation of this amount of anthrax powder, for example, it would be necessary to prepare 1,000 litres of unconcentrated suspension of anthrax spores, which can be done in a large fermentation vessel. Such an amount would require an industrial-scale production fermenter that could not be easily concealed and the operation of which would require specific experience and infrastructure support. In addition, dissemination efficiency is not 100 per cent; more realistically, it is rarely over 10 per cent. Thus such an attack would require at least 10 kg of anthrax powder. To be produced in one batch, this amount would require a very large fermenter, or a number of successful batches of 1,000 litres.

28. UNMOVIC has established effective monitoring procedures, which could identify the production of relatively small quantities of biological agents, provided that fermenters of a volume of more than 10 litres are used. However, under certain circumstances, work with even smaller quantities of biological threat agents can be identified by sampling and analysis.

29. The amounts of the final preparation of biological agents and toxins necessary to inflict mass casualties may seem small. Their production, however, inevitably requires pilot or industrial-scale operations. UNMOVIC has established an effective system for monitoring such facilities.

30. Under certain conditions, multiple casualties can be deliberately caused by the use of micro-organisms in quantities of around a gram and less. The use of some agents may require the decontamination of buildings and the administration of prophylactics to many potentially affected people.

31. It would not be feasible to monitor the small amount of biological agents that may be produced in research or diagnostic laboratories (microbiology, biochemistry, molecular biology or cellular biology) unless a very intrusive monitoring regime with a high-frequency presence of inspectors, coupled with on-site sampling and analysis, were employed.

32. Such amounts of biological agent may also be produced in dedicated clandestine laboratories and the monitoring authority can, upon finding such laboratories, assess their capabilities and identify whether a particular laboratory was involved in the production of biological agent. UNMOVIC has improved its capabilities for assessing whether a biological agent was produced in a particular laboratory, by now having access to the forensic microbiology capabilities of its international network of reference laboratories. This capability can assist in the genetic identification of micro-organisms and can enable the tracing of its source.

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Security Council

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Belgium, France, Italy, Slovakia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005, 1644 (2005) of 15 December 2005, 1664 (2006) of 29 March 2006 and 1748 (2007) of 27 March 2007,

Reaffirming its strongest condemnation of the 14 February 2005 terrorist bombings as well as other attacks in Lebanon since October 2004,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Recalling the letter of the Prime Minister of Lebanon to the Secretary-General of 13 December 2005 (S/2005/783) requesting inter alia the establishment of a tribunal of an international character to try all those who are found responsible for this terrorist crime, and the request by this Council for the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing such a Tribunal based on the highest international standards of criminal justice,

Recalling further the report of the Secretary-General on the establishment of a special tribunal for Lebanon on 15 November 2006 (S/2006/893) reporting on the conclusion of negotiations and consultations that took place between January 2006 and September 2006 at United Nations Headquarters in New York, the Hague, and Beirut between the Legal Counsel of the United Nations and authorized representatives of the Government of Lebanon, and the letter of its President to the Secretary-General of 21 November 2006 (S/2006/911) reporting that the Members of the Security Council welcomed the conclusion of the negotiations and that they were satisfied with the Agreement annexed to the Report,

Recalling that, as set out in its letter of 21 November 2006, should voluntary contributions be insufficient for the Tribunal to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Tribunal,

Recalling also that the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon was

signed by the Government of Lebanon and the United Nations respectively on 23 January and 6 February 2007,

Referring to the letter of the Prime Minister of Lebanon to the Secretary-General of the United Nations (S/2007/281), which recalled that the parliamentary majority has expressed its support for the Tribunal, and asked that his request that the Special Tribunal be put into effect be presented to the Council as a matter of urgency,

Mindful of the demand of the Lebanese people that all those responsible for the terrorist bombing that killed former Lebanese Prime Minister Rafiq Hariri and others be identified and brought to justice,

Commending the Secretary-General for his continuing efforts to proceed, together with the Government of Lebanon, with the final steps for the conclusion of the Agreement as requested in the letter of its President dated 21 November 2006 and referring in this regard to the briefing by the Legal Counsel on 2 May 2007, in which he noted that the establishment of the Tribunal through the Constitutional process is facing serious obstacles, but noting also that all parties concerned reaffirmed their agreement in principle to the establishment of the Tribunal,

Commending also the recent efforts of parties in the region to overcome these obstacles,

Willing to continue to assist Lebanon in the search for the truth and in holding all those involved in the terrorist attack accountable and reaffirming its determination to support Lebanon in its efforts to bring to justice perpetrators, organizers and sponsors of this and other assassinations,

Reaffirming its determination that this terrorist act and its implications constitute a threat to international peace and security,

1. *Decides*, acting under Chapter VII of the Charter of the United Nations, that:

(a) The provisions of the annexed document, including its attachment, on the establishment of a Special Tribunal for Lebanon shall enter into force on 10 June 2007, unless the Government of Lebanon has provided notification under Article 19 (1) of the annexed document before that date;

(b) If the Secretary-General reports that the Headquarters Agreement has not been concluded as envisioned under Article 8 of the annexed document, the location of the seat of the Tribunal shall be determined in consultation with the Government of Lebanon and be subject to the conclusion of a Headquarters Agreement between the United Nations and the State that hosts the Tribunal;

(c) If the Secretary-General reports that contributions from the Government of Lebanon are not sufficient to bear the expenses described in Article 5 (b) of the annexed document, he may accept or use voluntary contributions from States to cover any shortfall;

2. *Notes* that, pursuant to Article 19 (2) of the annexed document, the Special Tribunal shall commence functioning on a date to be determined by the Secretary-General in consultation with the Government of Lebanon, taking into account the progress of the work of the International Independent Investigation Commission;

3. *Requests* the Secretary-General, in coordination, when appropriate, with the Government of Lebanon, to undertake the steps and measures necessary to establish the Special Tribunal in a timely manner and to report to the Council within 90 days and thereafter periodically on the implementation of this resolution;

4. *Decides* to remain actively seized of the matter.

Annex

Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon

Whereas the Security Council, in its resolution 1664 (2006) of 29 March 2006, which responded to the request of the Government of Lebanon to establish a tribunal of an international character to try all those who are found responsible for the terrorist crime which killed the former Lebanese Prime Minister Rafiq Hariri and others, recalled all its previous resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005 and 1644 (2005) of 15 December 2005,

Whereas the Security Council has requested the Secretary-General of the United Nations (hereinafter "the Secretary-General") "to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice", taking into account the recommendations of the Secretary-General's report of 21 March 2006 (S/2006/176) and the views that have been expressed by Council members,

Whereas the Secretary-General and the Government of the Lebanese Republic (hereinafter "the Government") have conducted negotiations for the establishment of a Special Tribunal for Lebanon (hereinafter "the Special Tribunal" or "the Tribunal"),

Now therefore the United Nations and the Lebanese Republic (hereinafter referred to jointly as the "Parties") have agreed as follows:

Article 1
Establishment of the Special Tribunal

1. There is hereby established a Special Tribunal for Lebanon to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Lebanese Prime Minister Rafiq Hariri and in the death or injury of other persons. If the tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005, or any later date decided by the Parties and with the consent of the Security Council, are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005, it shall also have jurisdiction over persons responsible for such attacks. This connection includes but is not limited to a combination of the following elements: criminal intent (motive), the purpose behind the attacks, the nature of the victims targeted, the pattern of the attacks (modus operandi) and the perpetrators.

2. The Special Tribunal shall function in accordance with the Statute of the Special Tribunal for Lebanon. The Statute is attached to this Agreement and forms an integral part thereof.

Article 2
Composition of the Special Tribunal and appointment of judges

1. The Special Tribunal shall consist of the following organs: the Chambers, the Prosecutor, the Registry and the Defence Office.

2. The Chambers shall be composed of a Pre-Trial Judge, a Trial Chamber and an Appeals Chamber, with a second Trial Chamber to be created if, after the passage of at least six months from the commencement of the functioning of the Special Tribunal, the Secretary-General or the President of the Special Tribunal so requests.

3. The Chambers shall be composed of no fewer than eleven independent judges and no more than fourteen such judges, who shall serve as follows:

(a) A single international judge shall serve as a Pre-Trial Judge;

(b) Three judges shall serve in the Trial Chamber, of whom one shall be a Lebanese judge and two shall be international judges;

(c) In the event of the creation of a second Trial Chamber, that Chamber shall be likewise composed in the manner contained in subparagraph (b) above;

(d) Five judges shall serve in the Appeals Chamber, of whom two shall be Lebanese judges and three shall be international judges; and

(e) Two alternate judges, of whom one shall be a Lebanese judge and one shall be an international judge.

4. The judges of the Tribunal shall be persons of high moral character, impartiality and integrity, with extensive judicial experience. They shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source.

5. (a) Lebanese judges shall be appointed by the Secretary-General to serve in the Trial Chamber or the Appeals Chamber or as an alternate judge from a list of twelve persons presented by the Government upon the proposal of the Lebanese Supreme Council of the Judiciary;

(b) International judges shall be appointed by the Secretary-General to serve as Pre-Trial Judge, a Trial Chamber Judge, an Appeals Chamber Judge or an alternate judge, upon nominations forwarded by States at the invitation of the Secretary-General, as well as by competent persons;

(c) The Government and the Secretary-General shall consult on the appointment of judges;

(d) The Secretary-General shall appoint judges, upon the recommendation of a selection panel he has established after indicating his intentions to the Security Council. The selection panel shall be composed of two judges, currently sitting on or retired from an international tribunal, and the representative of the Secretary-General.

6. At the request of the presiding judge of a Trial Chamber, the President of the Special Tribunal may, in the interest of justice, assign alternate judges to be present at each stage of the trial and to replace a judge if that judge is unable to continue sitting.

7. Judges shall be appointed for a three-year period and may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government.

8. Lebanese judges appointed to serve in the Special Tribunal shall be given full credit for their period of service with the Tribunal on their return to the Lebanese national judiciaries from which they were released and shall be reintegrated at a level at least comparable to that of their former position.

Article 3
Appointment of a Prosecutor and a Deputy Prosecutor

1. The Secretary-General, after consultation with the Government, shall appoint a Prosecutor for a three-year term. The Prosecutor may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government.

2. The Secretary-General shall appoint the Prosecutor, upon the recommendation of a selection panel he has established after indicating his intentions to the Security Council. The selection panel shall be composed of two judges, currently sitting on or retired from an international tribunal, and the representative of the Secretary-General.

3. The Government, in consultation with the Secretary-General and the Prosecutor, shall appoint a Lebanese Deputy Prosecutor to assist the Prosecutor in the conduct of the investigations and prosecutions.

4. The Prosecutor and the Deputy Prosecutor shall be of high moral character and possess the highest level of professional competence and extensive experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor and the Deputy Prosecutor shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source.

5. The Prosecutor shall be assisted by such Lebanese and international staff as may be required to perform the functions assigned to him or her effectively and efficiently.

Article 4
Appointment of a Registrar

1. The Secretary-General shall appoint a Registrar who shall be responsible for the servicing of the Chambers and the Office of the Prosecutor, and for the recruitment and administration of all support staff. He or she shall also administer the financial and staff resources of the Special Tribunal.

2. The Registrar shall be a staff member of the United Nations. He or she shall serve a three-year term and may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government.

Article 5
Financing of the Special Tribunal

1. The expenses of the Special Tribunal shall be borne in the following manner:

(a) Fifty-one per cent of the expenses of the Tribunal shall be borne by voluntary contributions from States;

(b) Forty-nine per cent of the expenses of the Tribunal shall be borne by the Government of Lebanon.

2. It is understood that the Secretary-General will commence the process of establishing the Tribunal when he has sufficient contributions in hand to finance the establishment of the Tribunal and twelve months of its operations plus pledges equal to the anticipated expenses of the following 24 months of the Tribunal's operation. Should voluntary contributions be insufficient for the Tribunal to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Tribunal.

Article 6
Management Committee

The parties shall consult concerning the establishment of a Management Committee.

Article 7
Juridical capacity

The Special Tribunal shall possess the juridical capacity necessary:

(a) To contract;

(b) To acquire and dispose of movable and immovable property;

(c) To institute legal proceedings;

(d) To enter into agreements with States as may be necessary for the exercise of its functions and for the operation of the Tribunal.

Article 8
Seat of the Special Tribunal

1. The Special Tribunal shall have its seat outside Lebanon. The location of the seat shall be determined having due regard to considerations of justice and fairness as well as security and administrative efficiency, including the rights of victims and access to witnesses, and subject to the conclusion of a headquarters agreement between the United Nations, the Government and the State that hosts the Tribunal.

2. The Special Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions.

3. An Office of the Special Tribunal for the conduct of investigations shall be established in Lebanon subject to the conclusion of appropriate arrangements with the Government.

Article 9
Inviolability of premises, archives and all other documents

1. The Office of the Special Tribunal in Lebanon shall be inviolable. The competent authorities shall take appropriate action that may be necessary to ensure

that the Tribunal shall not be dispossessed of all or any part of the premises of the Tribunal without its express consent.

2. The property, funds and assets of the Office of the Special Tribunal in Lebanon, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. The archives of the Office of the Special Tribunal in Lebanon, and in general all documents and materials made available, belonging to or used by it, wherever located and by whomsoever held, shall be inviolable.

Article 10
Funds, assets and other property

The Office of the Special Tribunal, its funds, assets and other property in Lebanon, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case the Tribunal has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

Article 11
Privileges and immunities of the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office

1. The judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office, while in Lebanon, shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations of 1961.

2. Privileges and immunities are accorded to the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office in the interest of the Special Tribunal and not for the personal benefit of the individuals themselves. The right and the duty to waive the immunity in any case where it can be waived without prejudice to the purposes for which it is accorded shall lie with the Secretary-General, in consultation with the President of the Tribunal.

Article 12
Privileges and immunities of international and Lebanese personnel

1. Lebanese and international personnel of the Office of the Special Tribunal, while in Lebanon, shall be accorded:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office of the Special Tribunal;

(b) Exemption from taxation on salaries, allowances and emoluments paid to them.

2. International personnel shall, in addition thereto, be accorded:

(a) Immunity from immigration restriction;

(b) The right to import free of duties and taxes, except for payment for services, their furniture and effects at the time of first taking up their official duties in Lebanon.

3. The privileges and immunities are granted to the officials of the Office of the Special Tribunal in the interest of the Tribunal and not for their personal benefit. The right and the duty to waive the immunity in any case where it can be waived without prejudice to the purpose for which it is accorded shall lie with the Registrar of the Tribunal.

Article 13
Defence counsel

1. The Government shall ensure that the counsel of a suspect or an accused who has been admitted as such by the Special Tribunal shall not be subjected, while in Lebanon, to any measure that may affect the free and independent exercise of his or her functions.

2. In particular, the counsel shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of personal baggage;

(b) Inviolability of all documents relating to the exercise of his or her functions as a counsel of a suspect or accused;

(c) Immunity from criminal or civil jurisdiction in respect of words spoken or written and acts performed in his or her capacity as counsel. Such immunity shall continue to be accorded after termination of his or her functions as a counsel of a suspect or accused;

(d) Immunity from any immigration restrictions during his or her stay as well as during his or her journey to the Tribunal and back.

Article 14
Security, safety and protection of persons referred to in this Agreement

The Government shall take effective and adequate measures to ensure the appropriate security, safety and protection of personnel of the Office of the Special Tribunal and other persons referred to in this Agreement, while in Lebanon. It shall take all appropriate steps, within its capabilities, to protect the equipment and premises of the Office of the Special Tribunal from attack or any action that prevents the Tribunal from discharging its mandate.

Article 15
Cooperation with the Special Tribunal

1. The Government shall cooperate with all organs of the Special Tribunal, in particular with the Prosecutor and defence counsel, at all stages of the proceedings. It shall facilitate access of the Prosecutor and defence counsel to sites, persons and relevant documents required for the investigation.

2. The Government shall comply without undue delay with any request for assistance by the Special Tribunal or an order issued by the Chambers, including, but not limited to:

(a) Identification and location of persons;

(b) Service of documents;

(c) Arrest or detention of persons;

(d) Transfer of an indictee to the Tribunal.

Article 16
Amnesty

The Government undertakes not to grant amnesty to any person for any crime falling within the jurisdiction of the Special Tribunal. An amnesty already granted in respect of any such persons and crimes shall not be a bar to prosecution.

Article 17
Practical arrangements

With a view to achieving efficiency and cost-effectiveness in the operation of the Special Tribunal:

(a) Appropriate arrangements shall be made to ensure that there is a coordinated transition from the activities of the International Independent Investigation Commission, established by the Security Council in its resolution 1595 (2005), to the activities of the Office of the Prosecutor;

(b) Judges of the Trial Chamber and the Appeals Chamber shall take office on a date to be determined by the Secretary-General in consultation with the President of the Special Tribunal. Pending such a determination, judges of both Chambers shall be convened on an ad hoc basis to deal with organizational matters and serving, when required, to perform their duties.

Article 18
Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be settled by negotiation or by any other mutually agreed upon mode of settlement.

Article 19
Entry into force and commencement of the functioning of the Special Tribunal

1. This Agreement shall enter into force on the day after the Government has notified the United Nations in writing that the legal requirements for entry into force have been complied with.

2. The Special Tribunal shall commence functioning on a date to be determined by the Secretary-General in consultation with the Government, taking into account the progress of the work of the International Independent Investigation Commission.

Article 20
Amendment

This Agreement may be amended by written agreement between the Parties.

Article 21
Duration of the Agreement

1. This Agreement shall remain in force for a period of three years from the date of the commencement of the functioning of the Special Tribunal.

2. Three years after the commencement of the functioning of the Special Tribunal the Parties shall, in consultation with the Security Council, review the progress of the work of the Special Tribunal. If at the end of this period of three years the activities of the Tribunal have not been completed, the Agreement shall be extended to allow the Tribunal to complete its work, for a further period(s) to be determined by the Secretary-General in consultation with the Government and the Security Council.

3. The provisions relating to the inviolability of the funds, assets, archives and documents of the Office of the Special Tribunal in Lebanon, the privileges and immunities of those referred to in this Agreement, as well as provisions relating to defence counsel and the protection of victims and witnesses, shall survive termination of this Agreement.

In witness whereof, the following duly authorized representatives of the United Nations and of the Lebanese Republic have signed this Agreement.

Done at _____ on _____ 2006, in three originals in the Arabic, French and English languages, all texts being equally authentic.

For the United Nations:

_____

For the Lebanese Republic:

_____

Attachment
Statute of the Special Tribunal for Lebanon

Having been established by an Agreement between the United Nations and the Lebanese Republic (hereinafter "the Agreement") pursuant to Security Council resolution 1664 (2006) of 29 March 2006, which responded to the request of the Government of Lebanon to establish a tribunal of an international character to try all those who are found responsible for the terrorist crime which killed the former Lebanese Prime Minister Rafiq Hariri and others, the Special Tribunal for Lebanon (hereinafter "the Special Tribunal") shall function in accordance with the provisions of this Statute.

Section I
Jurisdiction and applicable law

Article 1
Jurisdiction of the Special Tribunal

The Special Tribunal shall have jurisdiction over persons responsible for the attack of 14 February 2005 resulting in the death of former Lebanese Prime Minister Rafiq Hariri and in the death or injury of other persons. If the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005, or any later date decided by the Parties and with the consent of the Security Council, are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005, it shall also have jurisdiction over persons responsible for such attacks. This connection includes but is not limited to a combination of the following elements: criminal intent (motive), the purpose behind the attacks, the nature of the victims targeted, the pattern of the attacks (modus operandi) and the perpetrators.

Article 2
Applicable criminal law

The following shall be applicable to the prosecution and punishment of the crimes referred to in article 1, subject to the provisions of this Statute:

(a) The provisions of the Lebanese Criminal Code relating to the prosecution and punishment of acts of terrorism, crimes and offences against life and personal integrity, illicit associations and failure to report crimes and offences, including the rules regarding the material elements of a crime, criminal participation and conspiracy; and

(b) Articles 6 and 7 of the Lebanese law of 11 January 1958 on "Increasing the penalties for sedition, civil war and interfaith struggle".

Article 3
Individual criminal responsibility

1. A person shall be individually responsible for crimes within the jurisdiction of the Special Tribunal if that person:

(a) Committed, participated as accomplice, organized or directed others to commit the crime set forth in article 2 of this Statute; or

(b) Contributed in any other way to the commission of the crime set forth in article 2 of this Statute by a group of persons acting with a common purpose, where such contribution is intentional and is either made with the aim of furthering the general criminal activity or purpose of the group or in the knowledge of the intention of the group to commit the crime.

2. With respect to superior and subordinate relationships, a superior shall be criminally responsible for any of the crimes set forth in article 2 of this Statute committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

(a) The superior either knew, or consciously disregarded information that clearly indicated that the subordinates were committing or about to commit such crimes;

(b) The crimes concerned activities that were within the effective responsibility and control of the superior; and

(c) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

3. The fact that the person acted pursuant to an order of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the Special Tribunal determines that justice so requires.

Article 4
Concurrent jurisdiction

1. The Special Tribunal and the national courts of Lebanon shall have concurrent jurisdiction. Within its jurisdiction, the Tribunal shall have primacy over the national courts of Lebanon.

2. Upon the assumption of office of the Prosecutor, as determined by the Secretary-General, and no later than two months thereafter, the Special Tribunal shall request the national judicial authority seized with the case of the attack against Prime Minister Rafiq Hariri and others to defer to its competence. The Lebanese judicial authority shall refer to the Tribunal the results of the investigation and a copy of the court's records, if any. Persons detained in connection with the investigation shall be transferred to the custody of the Tribunal.

3. (a) At the request of the Special Tribunal, the national judicial authority seized with any of the other crimes committed between 1 October 2004 and 12 December 2005, or a later date decided pursuant to article 1, shall refer to the Tribunal the results of the investigation and a copy of the court's records, if any, for review by the Prosecutor;

(b) At the further request of the Tribunal, the national authority in question shall defer to the competence of the Tribunal. It shall refer to the Tribunal the results of the investigation and a copy of the court's records, if any, and persons detained in connection with any such case shall be transferred to the custody of the Tribunal;

(c) The national judicial authorities shall regularly inform the Tribunal of the progress of their investigation. At any stage of the proceedings, the Tribunal may formally request a national judicial authority to defer to its competence.

Article 5
Non bis in idem

1. No person shall be tried before a national court of Lebanon for acts for which he or she has already been tried by the Special Tribunal.

2. A person who has been tried by a national court may be subsequently tried by the Special Tribunal if the national court proceedings were not impartial or independent, were designed to shield the accused from criminal responsibility for crimes within the jurisdiction of the Tribunal or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under this Statute, the Special Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 6
Amnesty

An amnesty granted to any person for any crime falling within the jurisdiction of the Special Tribunal shall not be a bar to prosecution.

Section II
Organization of the Special Tribunal

Article 7
Organs of the Special Tribunal

The Special Tribunal shall consist of the following organs:

(a) The Chambers, comprising a Pre-Trial Judge, a Trial Chamber and an Appeals Chamber;

(b) The Prosecutor;

(c) The Registry; and

(d) The Defence Office.

Article 8
Composition of the Chambers

1. The Chambers shall be composed as follows:

(a) One international Pre-Trial Judge;

(b) Three judges who shall serve in the Trial Chamber, of whom one shall be a Lebanese judge and two shall be international judges;

(c) Five judges who shall serve in the Appeals Chamber, of whom two shall be Lebanese judges and three shall be international judges;

(d) Two alternate judges, one of whom shall be a Lebanese judge and one shall be an international judge.

2. The judges of the Appeals Chamber and the judges of the Trial Chamber, respectively, shall elect a presiding judge who shall conduct the proceedings in the Chamber to which he or she was elected. The presiding judge of the Appeals Chamber shall be the President of the Special Tribunal.

3. At the request of the presiding judge of the Trial Chamber, the President of the Special Tribunal may, in the interest of justice, assign the alternate judges to be present at each stage of the trial and to replace a judge if that judge is unable to continue sitting.

Article 9
Qualification and appointment of judges

1. The judges shall be persons of high moral character, impartiality and integrity, with extensive judicial experience. They shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source.

2. In the overall composition of the Chambers, due account shall be taken of the established competence of the judges in criminal law and procedure and international law.

3. The judges shall be appointed by the Secretary-General, as set forth in article 2 of the Agreement, for a three-year period and may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government.

Article 10
Powers of the President of the Special Tribunal

1. The President of the Special Tribunal, in addition to his or her judicial functions, shall represent the Tribunal and be responsible for its effective functioning and the good administration of justice.

2. The President of the Special Tribunal shall submit an annual report on the operation and activities of the Tribunal to the Secretary-General and to the Government of Lebanon.

Article 11
The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for the crimes falling within the jurisdiction of the Special Tribunal. In the interest of proper administration of justice, he or she may decide to charge jointly persons accused of the same or different crimes committed in the course of the same transaction.

2. The Prosecutor shall act independently as a separate organ of the Special Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor shall be appointed, as set forth in article 3 of the Agreement, by the Secretary-General for a three-year term and may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government. He or she shall be of high moral character and possess the highest level of professional competence, and have extensive experience in the conduct of investigations and prosecutions of criminal cases.

4. The Prosecutor shall be assisted by a Lebanese Deputy Prosecutor and by such other Lebanese and international staff as may be required to perform the functions assigned to him or her effectively and efficiently.

5. The Office of the Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor shall, as appropriate, be assisted by the Lebanese authorities concerned.

Article 12
The Registry

1. Under the authority of the President of the Special Tribunal, the Registry shall be responsible for the administration and servicing of the Tribunal.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General and shall be a staff member of the United Nations. He or she shall serve for a three-year term and may be eligible for reappointment for a further period to be determined by the Secretary-General in consultation with the Government.

4. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, and such other appropriate assistance for witnesses who appear before the Special Tribunal and others who are at risk on account of testimony given by such witnesses.

Article 13
The Defence Office

1. The Secretary-General, in consultation with the President of the Special Tribunal, shall appoint an independent Head of the Defence Office, who shall be responsible for the appointment of the Office staff and the drawing up of a list of defence counsel.

2. The Defence Office, which may also include one or more public defenders, shall protect the rights of the defence, provide support and assistance to defence counsel and to the persons entitled to legal assistance, including, where appropriate, legal research, collection of evidence and advice, and appearing before the Pre-Trial Judge or a Chamber in respect of specific issues.

Article 14
Official and working languages

The official languages of the Special Tribunal shall be Arabic, French and English. In any given case proceedings, the Pre-Trial Judge or a Chamber may decide that one or two of the languages may be used as working languages as appropriate.

Section III
Rights of defendants and victims

Article 15
Rights of suspects during investigation

A suspect who is to be questioned by the Prosecutor shall not be compelled to incriminate himself or herself or to confess guilt. He or she shall have the following rights of which he or she shall be informed by the Prosecutor prior to questioning, in a language he or she speaks and understands:

(a) The right to be informed that there are grounds to believe that he or she has committed a crime within the jurisdiction of the Special Tribunal;

(b) The right to remain silent, without such silence being considered in the determination of guilt or innocence, and to be cautioned that any statement he or she makes shall be recorded and may be used in evidence;

(c) The right to have legal assistance of his or her own choosing, including the right to have legal assistance provided by the Defence Office where the interests of justice so require and where the suspect does not have sufficient means to pay for it;

(d) The right to have the free assistance of an interpreter if he or she cannot understand or speak the language used for questioning;

(e) The right to be questioned in the presence of counsel unless the person has voluntarily waived his or her right to counsel.

Article 16
Rights of the accused

1. All accused shall be equal before the Special Tribunal.

2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Tribunal for the protection of victims and witnesses.

3. (a) The accused shall be presumed innocent until proved guilty according to the provisions of this Statute;

(b) The onus is on the Prosecutor to prove the guilt of the accused;

(c) In order to convict the accused, the relevant Chamber must be convinced of the guilt of the accused beyond reasonable doubt.

4. In the determination of any charge against the accused pursuant to this Statute, he or she shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate without hindrance with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) Subject to the provisions of article 22, to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To examine all evidence to be used against him or her during the trial in accordance with the Rules of Procedure and Evidence of the Special Tribunal;

(g) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Tribunal;

(h) Not to be compelled to testify against himself or herself or to confess guilt.

5. The accused may make statements in court at any stage of the proceedings, provided such statements are relevant to the case at issue. The Chambers shall decide on the probative value, if any, of such statements.

Article 17
Rights of victims

Where the personal interests of the victims are affected, the Special Tribunal shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Pre-Trial Judge or the Chamber and in a manner that is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Pre-Trial Judge or the Chamber considers it appropriate.

Section IV
Conduct of proceedings

Article 18
Pre-Trial proceedings

1. The Pre-Trial Judge shall review the indictment. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If he or she is not so satisfied, the indictment shall be dismissed.

2. The Pre-Trial Judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest or transfer of persons, and any other orders as may be required for the conduct of the investigation and for the preparation of a fair and expeditious trial.

Article 19
Evidence collected prior to the establishment of the Special Tribunal

Evidence collected with regard to cases subject to the consideration of the Special Tribunal, prior to the establishment of the Tribunal, by the national authorities of Lebanon or by the International Independent Investigation Commission in accordance with its mandate as set out in Security Council resolution 1595 (2005) and subsequent resolutions, shall be received by the Tribunal. Its admissibility shall be decided by the Chambers pursuant to international standards on collection of evidence. The weight to be given to any such evidence shall be determined by the Chambers.

Article 20
Commencement and conduct of trial proceedings

1. The Trial Chamber shall read the indictment to the accused, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment and instruct the accused to enter a plea.

2. Unless otherwise decided by the Trial Chamber in the interests of justice, examination of witnesses shall commence with questions posed by the presiding judge, followed by questions posed by other members of the Trial Chamber, the Prosecutor and the Defence.

3. Upon request or *proprio motu*, the Trial Chamber may at any stage of the trial decide to call additional witnesses and/or order the production of additional evidence.

4. The hearings shall be public unless the Trial Chamber decides to hold the proceedings in camera in accordance with the Rules of Procedure and Evidence.

Article 21
Powers of the Chambers

1. The Special Tribunal shall confine the trial, appellate and review proceedings strictly to an expeditious hearing of the issues raised by the charges, or the grounds for appeal or review, respectively. It shall take strict measures to prevent any action that may cause unreasonable delay.

2. A Chamber may admit any relevant evidence that it deems to have probative value and exclude such evidence if its probative value is substantially outweighed by the need to ensure a fair trial.

3. A Chamber may receive the evidence of a witness orally or, where the interests of justice allow, in written form.

4. In cases not otherwise provided for in the Rules of Procedure and Evidence, a Chamber shall apply rules of evidence that will best favour a fair determination of the matter before it and are consonant with the spirit of the Statute and the general principles of law.

Article 22
Trials in absentia

1. The Special Tribunal shall conduct trial proceedings in the absence of the accused, if he or she:

(a) Has expressly and in writing waived his or her right to be present;

(b) Has not been handed over to the Tribunal by the State authorities concerned;

(c) Has absconded or otherwise cannot be found and all reasonable steps have been taken to secure his or her appearance before the Tribunal and to inform him or her of the charges confirmed by the Pre-Trial Judge.

2. When hearings are conducted in the absence of the accused, the Special Tribunal shall ensure that:

(a) The accused has been notified, or served with the indictment, or notice has otherwise been given of the indictment through publication in the media or communication to the State of residence or nationality;

(b) The accused has designated a defence counsel of his or her own choosing, to be remunerated either by the accused or, if the accused is proved to be indigent, by the Tribunal;

(c) Whenever the accused refuses or fails to appoint a defence counsel, such counsel has been assigned by the Defence Office of the Tribunal with a view to ensuring full representation of the interests and rights of the accused.

3. In case of conviction in absentia, the accused, if he or she had not designated a defence counsel of his or her choosing, shall have the right to be retried in his or her presence before the Special Tribunal, unless he or she accepts the judgement.

Article 23
Judgement

The judgement shall be rendered by a majority of the judges of the Trial Chamber or of the Appeals Chamber and shall be delivered in public. It shall be accompanied by a reasoned opinion in writing, to which any separate or dissenting opinions shall be appended.

Article 24
Penalties

1. The Trial Chamber shall impose upon a convicted person imprisonment for life or for a specified number of years. In determining the terms of imprisonment for the crimes provided for in this Statute, the Trial Chamber shall, as appropriate, have recourse to international practice regarding prison sentences and to the practice of the national courts of Lebanon.

2. In imposing sentence, the Trial Chamber should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

Article 25
Compensation to victims

1. The Special Tribunal may identify victims who have suffered harm as a result of the commission of crimes by an accused convicted by the Tribunal.

2. The Registrar shall transmit to the competent authorities of the State concerned the judgement finding the accused guilty of a crime that has caused harm to a victim.

3. Based on the decision of the Special Tribunal and pursuant to the relevant national legislation, a victim or persons claiming through the victim, whether or not such victim had been identified as such by the Tribunal under paragraph 1 of this article, may bring an action in a national court or other competent body to obtain compensation.

4. For the purposes of a claim made under paragraph 3 of this article, the judgement of the Special Tribunal shall be final and binding as to the criminal responsibility of the convicted person.

Article 26
Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chamber or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision;

(b) An error of fact that has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chamber.

Article 27
Review proceedings

1. Where a new fact has been discovered that was not known at the time of the proceedings before the Trial Chamber or the Appeals Chamber and that could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit an application for review of the judgement.

2. An application for review shall be submitted to the Appeals Chamber. The Appeals Chamber may reject the application if it considers it to be unfounded. If it determines that the application is meritorious, it may, as appropriate:

(a) Reconvene the Trial Chamber;

(b) Retain jurisdiction over the matter.

Article 28
Rules of Procedure and Evidence

1. The judges of the Special Tribunal shall, as soon as practicable after taking office, adopt Rules of Procedure and Evidence for the conduct of the pre-trial, trial and appellate proceedings, the admission of evidence, the participation of victims, the protection of victims and witnesses and other appropriate matters and may amend them, as appropriate.

2. In so doing, the judges shall be guided, as appropriate, by the Lebanese Code of Criminal Procedure, as well as by other reference materials reflecting the highest standards of international criminal procedure, with a view to ensuring a fair and expeditious trial.

Article 29
Enforcement of sentences

1. Imprisonment shall be served in a State designated by the President of the Special Tribunal from a list of States that have indicated their willingness to accept persons convicted by the Tribunal.

2. Conditions of imprisonment shall be governed by the law of the State of enforcement subject to the supervision of the Special Tribunal. The State of enforcement shall be bound by the duration of the sentence, subject to article 30 of this Statute.

Article 30
Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the Special Tribunal accordingly. There shall only be pardon or commutation of sentence if the President of the Tribunal, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

United Nations A/61/930–S/2007/316

General Assembly
Security Council

Distr.: General
29 May 2007

Original: English

General Assembly
Sixty-first session
Agenda items 13 and 14

The situation in the Middle East

Question of Palestine

Security Council
Sixty-second year

Identical letters dated 29 May 2007 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you of the highly disturbing barrage of rockets launched by Palestinian terrorists in the Gaza Strip during the past week.

From Monday, 21 May 2007, until Sunday, 27 May 2007, 86 Qassam rockets and 17 mortar shells were fired by Palestinian terrorists at Israeli communities in the south.

Over the course of the week, two Israeli civilians were killed by Palestinian rockets. Another civilian sustained serious injury; six others were lightly injured. In the aftermath of the attacks, countless civilians were treated for trauma and shock.

Numerous private homes and automobiles were damaged and destroyed by the falling rockets. Additionally, the rockets caused damage to a synagogue, a gas depot and an industrial complex in Sderot.

In the last two weeks more than 200 rockets have been fired from the Gaza Strip by Palestinian terrorists. Israel will not tolerate these relentless attacks. Israel reserves the right to exercise and act in self-defence, as any other nation would if faced with this intolerable situation.

Hamas, which leads the Palestinian Authority, must relinquish its terrorist platform and embrace its responsibilities as enumerated by the Quartet, to recognize Israel, renounce violence and terror and abide by previous agreements. Israel urges the international community to do everything in its power to support an end to Palestinian terror against Israel.

07-36159 (E) 310507

I should be grateful if you would circulate the present letter as a document of the sixty-first session of the General Assembly, under agenda items 13 and 14, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations A/61/931–S/2007/317

General Assembly
Security Council

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29 May 2007

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General Assembly
Sixty-first session
Agenda item 19
Question of Cyprus

Security Council
Sixty-second year

Letter dated 25 May 2007 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I would like to bring to your attention recent violations of international aviation regulations and of the national airspace of Cyprus by the Turkish air force. In an incident that went even beyond the perturbing pattern of the ongoing, constant and intentional violations of the Nicosia Flight Information Region and the sovereign airspace of Cyprus, the Turkish navy and air force carried out, between 2 and 5 May 2007, a military exercise using live ammunition in the areas adjacent to the southern territorial waters of Cyprus. The said exercise was carried out without prior sharing of any information or coordination to this effect.

In addition to the underlying philosophy of intimidation and political provocation, such violations of air traffic regulations by Turkey, pose a threat to civil aviation whereas the participation of war crafts in such proximity to the territorial waters of a port State poses a threat to the safety of navigation.

Without doubting the right of a sovereignty State to conduct military exercises, it is unknown practice to us that a country should choose an area unrelated to its geography and interests to carry out such exercises. In either case, if a country whose waters border only Cyprus northern waters is found to be carrying out military exercises just outside Cyprus southern territorial waters without prior notification, would one be at fault in interpreting such action as hostile?

My Government is left with the issue of exploitation of natural resources as the only possible explanation for the intensification of provocations of this kind by the Turkish military forces. I should like to record these with you and the Security Council, to be added to the ample evidence of Charter violations by a Member of the United Nations, and deterioration of regional security in the Eastern Mediterranean.

I would be grateful if the present letter was circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

07-36319 (E) 310507

United Nations A/61/932–S/2007/318

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Security Council

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30 May 2007
English
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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 30 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government I transmit to you herewith the statement by the Prime Minister, Mr. Fouad Siniora, concerning events in both the Nahr al-Barid camp and Tripoli, in the north of Lebanon, and developments in the situation, with regard to all security and humanitarian concerns (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the sixty-first session of the General Assembly under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Charge d'affaires a.i.

07-36376 (E) 010607 010607

Annex to the identical letters dated 30 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement by His Excellency the Prime Minister, Mr. Fouad Siniora

28 May 2007

On Saturday 10 May, elements of Fatah al-Islam attacked Lebanese Army sites in Tripoli and brutally killed 32 soldiers, most of whom were off duty at the time. On the basis of investigations and the confessions of some suspects who were arrested, it appears that Fatah al-Islam is behind the terrorist bombings of two buses in the 'Ayn 'Alaq area on 12 February, leading to the death of a number of civilians. It also appears that this organization is responsible for several thefts. The recent clashes coincided with three explosions last week in Beirut and Aley, and preliminary investigations indicate the possible involvement of the same organization.

This is not a war between Lebanon and the Palestinians: it is a war that has been launched against the Lebanese and the Palestinians equally. We are responding to an extremist group known by the name of Fatah al-Islam, the ranks of which include terrorists of various nationalities who entered Lebanon surreptitiously and assembled in the Nahr al-Barid camp, which they used as a base for their operations and effectively took over, against the will of the residents. The Palestinian people inside the camp, who asked repeatedly to leave the area, were, in effect, taken hostage. The Lebanese and Palestinian peoples were victims of the practices and creed of this malicious group. It should be noted that the objectives and aspirations of this group bear no relation to Islam or Palestine.

The Palestinian Authority and the other Palestinian factions have openly condemned Fatah al-Islam and emphasized that there is no relation between it and Palestinian organizations operating in Palestine. Moreover, the different Palestinian factions have all publicly disavowed this terrorist group and, from the beginning, condemned the aggression to which the Lebanese army was subjected. Furthermore, they are committed to helping the Lebanese Government eliminate this phenomenon.

The League of Arab States and the United Nations Security Council have both issued strong statements in support of the efforts of the Lebanese Government. Both statements described the organization which Lebanon is confronting precisely as a terrorist organization, with no relation to Islam or the Palestinian cause.

With the assistance of local Palestinian groups, we have requested Fatah al-Islam to surrender and undergo a fair trial, instead of causing further confrontations and violence.

The Lebanese Government emphasizes its full commitment to the just Palestinian cause as well as its solidarity with the Palestinian people. Since it was formed, the present Government has made serious efforts to improve the living standards of Palestinian refugees in camps throughout Lebanon and has also worked hard to ensure the support of the international community for its plan to improve

conditions in those camps. Unfortunately, Fatah al-Islam has obstructed these efforts through destabilizing and exacerbating conditions in the camps.

We are concerned about the humanitarian situation in the Nahr al-Barid camp and have taken the necessary steps to address this situation, by seeking to suspend hostilities and allow civilians to leave the camp. Moreover, we are employing the utmost caution in dealing with the situation, in order to avoid any unnecessary loss of life. However, it should be pointed out that Fatah al-Islam elements are firing from civilian areas and their snipers are targeting any civilian who attempts to leave the camp; the intention here is clearly to use refugees as human shields, contrary to ethical standards and the most basic principles of human rights and international humanitarian law.

According to our sources and those of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), it appears that the great majority of residents have in fact left the camp and are being taken care of by the various organs of the Lebanese Government, which has mobilized all of its human and material resources in order to provide aid to persons displaced from the locations where they sought refuge in the camps and the neighbouring areas. We are also working to send humanitarian supplies to those refugees who remain inside the camp.

The international community today is called upon more than ever before to address its responsibilities towards the Palestinian refugees and Palestinian refugee camps. In the present situation it must fulfil its obligations, with our great appreciation, to provide humanitarian support in order to reduce the severity of the situation of the innocent civilians who are suffering as a result of these regrettable events.

We are fighting the terrorists in order to protect Lebanon and ensure the peace and security of all Lebanese, Palestinians and others living in Lebanon. No State in the world can allow its army and citizens to be the target of attacks, which can only be described as barbaric, within its borders, in particular by foreign fighters who have entered the country surreptitiously. The Lebanese Government and the Lebanese Army is making the utmost effort to address this threat decisively and cautiously. Any alternative to this decisive approach would have very serious consequences for Lebanon and the region, and could result in Lebanon becoming fertile ground for every terrorist or outlaw in the world. Lebanon rejects and condemns terrorism wherever it occurs and will not tolerate terrorism on its territory, under any circumstances.

With the backing and support of all sectors of the Lebanese people, the Lebanese army remains the sole legitimate authority with the right to use force as a last resort in order to defend the country's stability and the security of its citizens. Lebanon will not be a land of lawbreaking and impunity. Lebanon suffered for 40 years because of hesitation, disregard and interference in its affairs. We will maintain our position and emphasize that our country will remain a free, sovereign and stable land in which citizens enjoy security and the rule of law. We also mention the heritage of Lebanon and its commitment to the principles of coexistence, plurality, freedom, democracy, tolerance, openness and moderation. We will live up to the present letter.

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Security Council

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General Assembly
Sixty-first session
Agenda items 98, 99 and 100

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Security Council
Sixty-second year

Letter dated 29 May 2007 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Secretary-General

On instructions from my Government, I transmit to you herewith the Declaration of Santo Domingo, adopted in the Dominican Republic at the Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime, held from 19 to 22 March 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 98, 99 and 100, and of the Security Council.

(*Signed*) Erasmo **Lara-Peña**
Ambassador
Permanent Representative

07-36428 (E) 010607 200607

Annex to the letter dated 29 May 2007 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Declaration of Santo Domingo

Santo Domingo, 22 March 2007

The delegations of Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago, participating in the Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime (hereafter referred to as the Ministerial Conference), meeting in Santo Domingo from 19 to 22 March 2007;

Noting with appreciation the work of the United Nations Office on Drugs and Crime (UNODC) and the Inter-American Committee against Terrorism of the Organization of American States (OAS/CICTE), in organizing this Conference, and also appreciating the work of the UNODC regional office for Central America and the Caribbean, based in Mexico;

Recognizing also the presence of the United Nations Counter-Terrorism Committee Executive Directorate (CTED), the 1267 Committee Monitoring Team, INTERPOL, the International Maritime Organization (IMO), the Commonwealth Secretariat, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), as well as the experts of the Departments of Justice of the United States and Canada and the New Scotland Yard of the United Kingdom;

Expressing appreciation for the work of the UNODC Terrorism Prevention Branch, the Secretariat of CICTE of the Organization of American States (OAS) and the Commonwealth Secretariat in the provision of technical assistance and capacity-building to support criminal justice systems in order to enable them to fulfil the obligations deriving from the relevant universal anti-terrorism instruments,[1] and the Inter-American Convention against Terrorism;

[1] Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); International Convention against the Taking of Hostages (1979); Convention on the Physical Protection of Nuclear Material (1980); Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); International Convention for the Suppression of Terrorist Bombing (1997); International Convention for the Suppression of the Financing of Terrorism (1999); International Convention for the Suppression of Acts of Nuclear Terrorism (2005); Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005); Amendment to the Convention on the Physical Protection of Nuclear Material (2005).

Emphasizing the work of the Counter-Terrorism Committee of the United Nations Security Council and of its Executive Directorate relating to the evaluation of the implementation of resolutions 1373 (2001) and 1624 (2004) and its functions with regard to the coordination of technical assistance and the promotion of best practices in combating terrorism;

Reaffirming, in accordance with United Nations Security Council resolutions 1373 (2001) and 1566 (2004) the clear condemnation of terrorism in all its forms and manifestations, whatever its origin or motivation, in accordance with the principles of general international law, especially the Charter of the United Nations, international conventions and other instruments; and likewise condemns, in accordance with United Nations Security Council resolution 1624 (2005), incitement to commit terrorist acts;

Reaffirming also their commitments as members of OAS/CICTE, in accordance with the Charter of OAS and the resolutions and declarations of CICTE and the OAS General Assembly, to prevent, combat and eliminate terrorism in the hemisphere;

Reaffirming also that it is important for States to ensure that all anti-terrorism measures adopted are in conformity with the obligations of international humanitarian, refugee and human rights law;

Noting the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism on 13 April 2005 and its opening for signature and ratification at the 2005 World Summit, as well as the adoption of the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, and the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted in 2005;

Reaffirming United Nations General Assembly resolution (60/288) on the Global Counter-Terrorism Strategy adopted on 8 September 2006, enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations;

Emphasizing the need to become parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

Stressing the importance of the Declaration of Panama on the Protection of Critical Infrastructure in the Hemisphere in the Face of Terrorism, adopted at the Seventh Regular Session of the OAS Inter-American Committee against Terrorism, held in Panama City, from 28 February to 2 March 2007;

Taking note of the "Declaration of Santo Domingo", adopted by the Heads of State and Governments participating at the Regional Summit on Drugs, Security and Cooperation, held in the Dominican Republic on 16 March 2007, which reaffirmed their political will and commitment to cooperate in the fight against drugs and crime;

Recalling United Nations General Assembly resolution 61/40 in which it requests the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and United

Nations Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

Declare:

1. The importance for participating States, which have not yet done so, to become party to the universal anti-terrorism instruments, the Inter-American Convention against Terrorism, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

2. The need for participating States, which have not yet done so, to enact the necessary domestic legislation for the effective implementation of the universal instruments aimed at combating terrorism and transnational organized crime, in particular the aspects relating to the criminalization of acts, the exercise of jurisdiction and international judicial cooperation;

3. The reaffirmation of the importance of the principle of due process and respect for human rights in criminal proceedings relating to terrorism and transnational organized crime and the need to ensure the protection of victims;

4. Their appeal to the United Nations and other relevant international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy at the international, regional and subregional levels, including the mobilization of human and material resources;

5. Their request to the UNODC, including its Terrorism Prevention Branch and its relevant regional offices, to strengthen and sustain the implementation of the United Nations Global Counter-Terrorism Strategy, within its mandates;

6. Their commitment to:

(a) Continue promoting regional cooperation through CICTE, as the counter-terrorism body for the OAS member States, and to collaborate with the United Nations Counter-Terrorism Committee established pursuant to resolution 1373 (2001), with the Committee established pursuant to resolution 1267 (1999) and with the Committee established pursuant to resolution 1540 (2004), of the United Nations Security Council;

(b) Continue adopting the necessary measures to ensure the most comprehensive and effective mutual legal assistance in connection with criminal investigations or proceedings aimed at combating terrorism and transnational organized crime so as to comply with the treaties, including the gathering of necessary evidence in such proceedings;

(c) Strengthen cooperation among the competent agencies, in particular through multilateral or bilateral arrangements for the prevention and suppression of terrorist attacks, in accordance with the relevant provisions of United Nations Security Council resolution 1373 (2001);

(d) Strengthen national, subregional, regional and international coordination and cooperation measures and mechanisms to combat transnational organized crime, in particular illicit drug trafficking, trafficking in persons, illicit manufacturing of

and trafficking in firearms, including small arms and light weapons, and money-laundering;

(e) Urge the international community to provide technical and financial assistance so as to enhance criminal investigations and prosecutions;

7. Their request to those participating States, which have not yet done so, to submit to UNODC the replies to the questionnaires on the application of the United Nations Convention against Transnational Organized Crime, and to the questionnaires on the application of the Protocols thereto, in accordance with the decisions taken by the Conference of Parties to the Convention at its various sessions;

8. Their invitation to donor countries and international and regional organizations to provide technical, financial and material assistance to support the efforts of the participating States with a view to becoming parties to and implementing the relevant universal anti-terrorism instruments, the Inter-American Convention against Terrorism, the United Nations Convention against Transnational Organized Crime, and the Protocols thereto;

9. Their willingness to make full use of the mechanisms provided for by Interpol to fight transnational organized crime and terrorism, by utilizing Interpol's I-24/7 global police communication system and Interpol's databases, including the Stolen and Lost Travel Documents database, and by providing effective and appropriate response to Interpol's red notices and to Interpol — United Nations Security Council special notices;

10. Their request to:

(a) UNODC and the OAS/CICTE, to continue providing technical assistance to the participating States with a view to their becoming party to and implementing the relevant universal anti-terrorism instruments, the Inter-American Convention against Terrorism, the United Nations Convention against Transnational Organized Crime, and the Protocols thereto;

(b) UNODC, in close cooperation with the CTC, CTED and other relevant United Nations Security Council Committees, to provide bilateral technical assistance to requesting Caribbean countries in the preparation and submission of their reports to the United Nations Security Council Committees, and to this end, consider organizing reporting workshops, in close cooperation with the OAS-CICTE and the Caribbean Community (CARICOM);

(c) UNODC to increase its technical assistance and, together with the OAS and the Commonwealth Secretariat, continue implementing existing training programmes for judicial and law enforcement authorities involved in implementing the universal anti-terrorism instruments, the Inter-American Convention against Terrorism, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as programmes aimed at national legislatures, and develop other appropriate training programmes;

11. Their appreciation for the technical assistance tools developed by UNODC[2] and other international organizations, and their intention to use them in efforts to prevent and suppress international terrorism and transnational organized crime;

12. Their satisfaction with the development and dissemination of OAS/CICTE's "Practical Guide to the Prevention, Detection and Suppression of Terrorist Financing (2006)";

13. Their support for the decisions adopted in the "Declaration of Santo Domingo" by the Heads of State and Governments at the Regional Summit on Drugs, Security and Cooperation, held in the Dominican Republic on 16 March 2007;

The participating Delegations express their sincere thanks and appreciation to the Government of the Dominican Republic for having hosted and supported this Ministerial Conference, held in Santo Domingo, Dominican Republic, from 19 to 22 March 2007, to the UNODC and OAS/CICTE, which jointly organized this Conference, and thank the Governments of Canada and the United States for their generous contribution to the UNODC and OAS/CICTE, respectively, which enabled the organization of this Conference.

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[2] Such as: the Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols; Guide for the Legislative Incorporation and Implementation of the Universal Instruments against Terrorism; Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime; Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Legislative Guide for the Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air; Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition; UNODC Model Law on Extradition; Report of the Informal Expert Working Group on Mutual Legal Assistance Case Work Best Practice; Report of the Informal Expert Working Group on Effective Extradition Case Work Practice; Model Law on Mutual Legal Assistance on Criminal Matters; Revised Manuals on the Model Treaty on Extradition and on the Model Treaty of Legal Assistance on Criminal Matters; Electronic Legal Resources Database on International Terrorism; Mutual Legal Assistance Request Writer Tool; and Manual on Witness Protection; Preventing Terrorist Acts: A Criminal Justice Strategy integrating Rule of Law Standards and Implementations of United Nations anti-terrorist Instruments. In preparation: Manual on Judicial International Cooperation against Terrorism; the Emerging International Legal Framework for Combating Nuclear Terrorism.

United Nations S/2007/320

Security Council

Distr.: General
30 May 2007

Original: English

Letter dated 30 May 2007 from the Secretary-General to the President of the Security Council

I have the honour to transmit herewith a copy of a letter dated 16 May 2007 from Blaise Compaoré, President of Burkina Faso, in his capacity as Facilitator of the peace process in Côte d'Ivoire (see annex).

I should be grateful if the letter could be brought to the attention of the members of the Security Council.

A copy of this letter is being sent to Johan Verbeke, Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire.

(*Signed*) **Ban** Ki-moon

07-36397 (E) 310507 310507

Annex

Letter dated 16 May 2007 from the President of Burkina Faso addressed to the Secretary-General

[Original: French]

Allow me to express once again my deepest appreciation to you and to the United Nations for the unwavering support that I have been receiving in the discharge of my mission as Facilitator of the process aimed at restoring peace in the Republic of Côte d'Ivoire.

The political stakeholders in the Ivorian crisis have accepted the Ouagadougou Political Agreement and the Additional Agreement of 4 and 26 March 2007, respectively, which have been endorsed by the Peace and Security Council of the African Union. The United Nations Security Council adopted on 28 March 2007 a statement of its President on Côte d'Ivoire, in which it too endorsed the Agreement.

As part of the follow-up to the Agreement, I convened in Ouagadougou on 11 May 2007 the first meeting of the Evaluation and Monitoring Committee.

The Committee noted with satisfaction the progress that has been achieved, in particular the formation of a new Government, the creation and operationalization of the Integrated Command Centre, the dismantling of the Zone of Confidence, the establishment and deployment of joint units and the adoption, by ordinance, of a new amnesty law.

The Committee also welcomed the support provided by the international community, and in particular by the United Nations Security Council, for the Ouagadougou Political Agreement.

In order to take advantage of the impetus provided by the facilitation process and to ensure the success of the peace and reconciliation process in the Republic of Côte d'Ivoire, I request your support for the partial and immediate lifting of the embargo on small arms imposed by the United Nations Security Council in its resolution 1572 (2004) of 15 November 2004.

This measure will serve mainly to allow the Defence and Security Forces to be equipped for the accomplishment of their mission to maintain law and order.

I wish to reiterate my appreciation for your personal commitment to the restoration of lasting peace and stability in Côte d'Ivoire and I am confident that I can count on your support in obtaining a favourable response to this request.

(*Signed*) Blaise **Compaoré**

United Nations S/2007/321

Security Council

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Twenty-fourth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq.

2. Since June 2006 the frequency of reports on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains has been reduced from every four months to every six months (see S/2006/468 and S/2006/469).

3. My twenty-third report (S/2006/948) was submitted in December 2006. The present report covers both issues — the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of all Kuwaiti property, including archives, seized by Iraq.

II. Background

4. Issues covered in this report remained on the agenda of the meetings of the League of Arab States and the Gulf Cooperation Council. At its nineteenth session at the summit level, held at Riyadh on 28 and 29 March 2007, the Council of the League of Arab States reiterated its condemnation of the grave violations of human rights that occurred during the occupation of the State of Kuwait and the expunging of the facts relating to Kuwaiti and other prisoners and missing persons, the remains of a number of whom had been found in mass graves. It expressed deep condolences to the families of the victims whose remains had been identified and concern for the ordeal of those whose whereabouts remained unknown. It demanded that all efforts be made to discover the fate of all of the Kuwaiti and other prisoners and missing persons.

5. At its twenty-seventh session, held at Riyadh on 9 and 10 December 2006, the Supreme Council of the Gulf Cooperation Council urged the United Nations to continue its efforts to resolve the outstanding issues of the Kuwaiti national archives

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and the determination of the fate of remaining prisoners and missing persons of Kuwaiti and other nationalities.

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

6. From 7 to 9 May 2007, the High-level Coordinator visited Kuwait, where he was received by the Deputy Prime Minister and Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al Salem al-Sabah, and had meetings with members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, the Head of Kuwait Airways Corporation, and other officials.

7. On behalf of the Kuwaiti people, the Deputy Prime Minister and Minister for Foreign Affairs expressed appreciation to Ambassador Vorontsov for his coordination activities. He valued the continued attention of the Security Council to the humanitarian issue of uncovering the fate of all Kuwaiti prisoners of war and third-country nationals. Kuwait is determined to continue the search for prisoners and/or their human remains. The Coordinator assured his interlocutor that he would continue his facilitation in order to bring the issues of missing Kuwaiti and third-country nationals as well as the national archives to a satisfactory conclusion.

8. The Kuwaiti National Committee advised the High-level Coordinator that three new names had been added to the list of those whose remains have been identified. Their total number has now reached 233. These persons are listed in the annex to the present report. The identifications were based on the skeleton material brought to Kuwait in 2004. Since that time, because of the security situation in Iraq, the Kuwaiti assessment and exhumation teams have been unable to conduct their work there.

9. While efforts to identify the mortal remains continue, Kuwait has informed the International Committee of the Red Cross (ICRC) that it will be returning about 40 sets of human remains to Iraq because the test results produced inconclusive results. The human remains will be returned with DNA profiles and other gathered information which may help Iraq to identify its nationals who lay in mass graves.

10. The plan of action aimed at resuming field operations under the present conditions in Iraq that was adopted at the 29th meeting of the Tripartite Commission, held at Geneva in November 2006 (see S/2006/948) is being implemented. Ambassador Vorontsov was told that Kuwait appreciates the efforts being made to that end by the United States of America and other members of the Tripartite Commission. Kuwait looks forward to receiving from the United States the satellite imagery of several grave sites in Iraq which should help to establish with greater precision the coordinates of those sites and allow the preparation of field missions.

11. The Iraqi authorities have been helpful and forthcoming. Iraq has presented information with regard to several new grave sites and has been making efforts to find and contact witnesses who may know the location of mass graves where Kuwaiti detainees and third-country nationals are buried. It is understood that under the security conditions prevailing in Iraq an additional effort is needed to persuade witnesses to come forward and help in this humanitarian endeavour.

12. Ambassador Vorontsov was briefed on the 53rd meeting of the Technical Subcommittee of the Tripartite Commission, held on 20 February 2007. The meeting was attended by representatives of France, Iraq, Kuwait, Saudi Arabia and the United States of America and ICRC.

13. The case of the missing American serviceman, Captain Michael Scott Speicher, remains open. The United States is resolved to continue searching for him. The issue has been addressed at the meetings of the Tripartite Commission.

IV. Recent activities with regard to the return of Kuwaiti property

14. There has been no progress with regard to the return of the Kuwaiti national archives — the official records of the country, in particular documents belonging to the offices of the Amiri Diwan, the Council of Ministers and the Ministry of Foreign Affairs. Kuwaiti officials at the highest level have expressed concern that the whereabouts of these documents remain unknown.

15. More than four years have passed since the fall of Saddam Hussein's regime, when access was apparently gained to all areas where the seized documents could possibly be located. In his contacts the High-level Coordinator has called on all parties to intensify the search for the archives. Interviews with those Iraqi officials who may still be in the custody of the United States or the multinational force could prove helpful.

16. In another development, in a follow-up to the letter received from the Permanent Representative of Kuwait (see S/2006/948, para. 19), the High-level Coordinator suggested in January 2007 that a joint Kuwait-Iraq mission under his auspices visit Jordan to (a) ascertain the presence of Kuwait Airways Corporation (KAC) spare parts on board the Iraqi aircraft, (b) compile the list of found spare parts, and (c) agree on the date of the handover. By that time, the Permanent Mission of Jordan to the United Nations had confirmed that the six Iraqi aircraft were indeed stationed at Queen Alia International Airport in Amman. The Jordanian authorities had contacted Iraqi Airways Company and allowed it to take charge of the aircraft after the lifting of United Nations sanctions on Iraq. According to the Civil Aviation Authority of Jordan, the six aircraft were "worn out and inoperative".

17. With the concurrence of the Governments of Iraq, Kuwait and Jordan, the High-level Coordinator led a joint Kuwait-Iraq mission to Jordan from 13 to 15 May. Both the Kuwaiti and Iraqi teams consisted of several engineers, representatives of the Ministry of Foreign Affairs and legal experts. The Jordanian authorities fully cooperated with the mission, providing access to the airport tarmac and transportation to and from the airport.

18. The mission inspected the luggage compartments and passenger cabins of four Boeing 727 and two Boeing 707 aircraft belonging to Iraqi Airways Company which, according to the Civil Aviation Authority of Jordan, arrived at Queen Alia International Airport in January, May and June 1991. The visual inspection found no spare parts belonging to KAC. No logbooks, which normally reflect changes in the components of the aircraft, were present either.

19. The Kuwaiti team provided Ambassador Vorontsov with documents that indicated that some KAC spare parts had been fitted on Iraqi aircraft. With the permission of the Iraqi team, the Kuwaiti engineers checked the Iraqi aircraft for installed KAC spare parts. By the time of the High-level Coordinator's departure no such items were discovered.

V. Observations

20. I welcome the essentially humanitarian process set in motion by paragraph 14 of Security Council resolution 1284 (1999). Kuwait's commitment to clarifying the fate of all missing persons regardless of their nationalities deserves respect. A total of 233 mortal remains have so far been identified.

21. I strongly condemn the killing of Kuwaiti and third-country nationals by the previous Iraqi regime. The execution of Kuwaiti civilians and a decade-long cover-up of the truth constitute a grave violation of human rights and international humanitarian law. I call on the Government of Iraq to ensure that those responsible for these despicable crimes are brought to justice. I take this opportunity to offer my sincere condolences to the families of the Kuwaiti and third-country nationals who are now facing the grim truth about the fate of their loved ones.

22. I have taken note of the fact that serious security challenges confront continued searches for the Kuwaiti detainees and third-country nationals or their remains in Iraq. In that connection, I understand that the plan of action adopted by the Tripartite Commission provides an avenue for the continuation of work and resumption of field operations, as many people are still unaccounted for. It provides reason for guarded optimism and hope. The implementation of the plan depends on the practical inputs of all concerned and I strongly encourage their cooperation.

23. The Tripartite Commission remains a primary mechanism for dealing with the issue of persons missing since the 1990/91 Gulf war. The continued fruitful cooperation of all its members is a guarantee that hopes of achieving positive results in settling this long-standing humanitarian issue will be fulfilled. Iraq's practical activities to that end are commendable. I am grateful to the International Committee of the Red Cross for its diligent endeavours in this regard. I value the trust Kuwait and its people have put in the efforts of Ambassador Vorontsov.

24. I am greatly concerned about the lack of progress with regard to finding and returning the Kuwaiti archives. I call on all parties with knowledge of the whereabouts of these important documents or their fate to come forward and share information.

25. The recent joint mission of Kuwaiti and Iraqi experts to Jordan is another example of continued efforts aimed at returning Kuwaiti property. I am convinced that the Kuwaiti and Iraqi representatives will arrive at constructive arrangements to bring this issue to a conclusion. I would like to express my gratitude to the Government of Jordan for its assistance to all parties concerned.

Annex

Names of Kuwaiti and third-country nationals whose remains have been identified

1. Saad Meshal Aswad Salamah Al-Enezi
2. Ahmed Abdullah Abdulrasul Al-Ghallaf
3. Saleh Ali Said Al-Hayani
4. Enam Said Ahmad Said Ismail Al-Edan
5. Abdullatif Hussein Al-Waheb
6. Naser Hussein Omaran Al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili Al-Mutairi
9. Nasser Sherif Fahed Al-Khaldi
10. Daad Omar Al-Hariri (Lebanese)
11. Jassem Hamid Abdallah Al-Samak
12. Safah Ibjad Aloush Al-Mutairi
13. Lafi Faihan Mohammad Laili Al-Mutairi
14. Abdul Rahman Saad Marzook Al-Otaibi
15. Mohammed Gazai Saad Ali Al-Mutairi
16. Farhan Harbi Saket Al-Dhafiri
17. Obaid Falah Husaini Al-Mutairi
18. Hamad Mohammad Ghuneim Al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad Al-Enezi
21. Fahed Akil Rakan Al-Zufayri (Saudi)
22. Misfir Mhana Misfir Al-Sharifa Al-Hayani
23. Nasser Ayed Duhayran Al-Oteibi
24. Mohammad Nasser Sharid Al-Ajami
25. Assal Turki Kusayman Al-Ajami
26. Abdallah Sulayman Abdallah Al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali Al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh Al-Sahli

31. Khaled Saleh Al-Tuwaygeri
32. Adel Fahed Hamad Al-Hamad
33. Fahed Khalifa Jadlan Al-Mutayri
34. Salem Obeid Abdallah Al-Mutayri
35. Shojah Madi Omar Al-Ajami
36. Habib Saleh Al-Zaqah
37. Ali Abdallah Ali Al-Duwaysan
38. Maayuf Jaber Sahud Al-Harbi
39. Yaccoub Yussef Bader Al-Ustaz
40. Mansour Tulayhan Samar Al-Mutayri
41. Hamad Humaydi Ghazi Al-Otaibi
42. Mohsen Mohammad Mohsen Al-Ajami
43. Rajeh Zeyab Bedah Nahar Al-Mutayri
44. Mansour Faleh Nasser Al-Thaqeb
45. Ahmad Mahmoud Al-Hattab (Egyptian)
46. Jaber Helal Shedid Al-Shemary
47. Falah Naser Saad Guniman Al-Mutayri
48. Jatly Mohammad Mejaed Al-Mutayri
49. Husain Salem Faza Al-Shamry
50. Khalifa Trak Suliman Al-Shamry
51. Adel Faleh Satam Al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban Al-Shamry
54. Hamoud Nafel Saeid Al-Harshany
55. Nabil Ali Ramadan Bushehry
56. Mutlaq Ali Salman Al-Adwani
57. Waleed Saad Mubarak Al-Asaf
58. Abdulah Fares Ayed Al-Shamry
59. Bader Nahar Mefrij Al-Mutayri
60. Matar Saket Mater Al-Mayai Al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis Al-Mutayri
63. Abdulaziz Abdullalif Abdulaziz Al-Kharaz
64. Mubarak Saleh Herzan Malis Al-Mutayri

65. Hamoud Ebrahim Harfan Al-Sahly
66. Saad Murshid Jasir Al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen Al-Oseimi
71. Abdalla Al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen Al-Ali
74. Mohammad Makboul Al-Otaibi
75. Ali Hassan Awad Al-Azmi
76. Hamoud Nassir Baanoun El-Enezi
77. Khalaf Akil Ali Al-Dhafiri
78. Saad Bashir Mubarak Al-Rashidi
79. Mohammad Rashid Nabi Al-Duwaila
80. Nawaf Abdulla Farraj Al-Mutairi
81. Saleh Mathal Jasser Al-Mutairi
82. Mohammad Ahmad Shaher Al-Sharifi
83. Abdulla Deydan Kazar Al-Dhafiri
84. Maged Jaber Fyhan El-Enezi
85. Tarek Mohammad El-Qahtany
86. Meshal Jazza El-Enezi
87. Fawzy Ali Ebrahim Al-Mulla
88. Saleh Naser Al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed Al-Musilikh
92. Ahmed Ali Al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami

99. Qadir Abdulrahman Jassem Mustafa
100. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Kouh
107. Khaled Abdulaziz Furaih Al-Kouh
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehani
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Mrzook Mohammad Al-Mrzook
126. Mutlaq Abdul Rahman Mutlaq Al-Khalidi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Naserallah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous

133. Khaled Ahmed Mohammad Al-Rashed
134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafir Abdulhadi Dhafir Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi

167. **Faisal Zaid Sulaiman Al-Ajeel**
168. **Husam Ahmad Mohammad Al-Sayafi**
169. **Salah Abdulla Abdulrahman Al-Majid**
170. **Mohammad Ali Abdulla Burhameh**
171. **Nasser Mudaf Ahmad Khalfan**
172. **Safi Maatouk Aman Al-Felaij**
173. **Khaled Nouri Sulaiman Al-Qanai**
174. **Imad Yussef Saad Al-Rashid**
175. **Ahmad Hussein Bakr Al-Asfour**
176. **Ahmad Abdulrahman Abdulmohsen Al-Rifai**
177. **Khaled Ahmad Issa Matar**
178. **Ali Abdullatif Abdallah Al-Asfour**
179. **Imad Abdulwahab Hussein Al-Roumi**
180. **Sami Khalifa Ebrahim Al-Rashed**
181. **Esam Abdulwahab Hussein Al-Roumi**
182. **Salah Khalifa Abdalla Al-Derbas**
183. **Faisal Ahmad Hussein Al-Qattan**
184. **Jamal Abdul Hamid Essa Al-Attar**
185. **Mustafa Abdul Hamid Matar Al-Shatti**
186. **Shaheen Ahmad Majid Al-Shaheen**
187. **Fahed Ahmad Majid Al-Shaheen**
188. **Khaled Marzooq Zaid Al-Mutayri**
189. **Meshal Ahmad Thenian Al-Musailem**
190. **Ali Zaal Awad Al-Zufayri (Saudi)**
191. **Abdallah Rahed Ahmad Al-Yacoub**
192. **Mohammad Naeif Abdallah Al-Enezi**
193. **Bader Abdallah Ahmad Al-Sharqawi**
194. **Mahmoud Naeif Abdallah Al-Enezi**
195. **Khaled Abdullatif Abdallah Al-Mari**
196. **Mohammad Yousef Said Albaloushi (Omani)**
197. **Hussein Abdel Amir Ali Mohammad (Iranian)**
198. **Fahed Ahmad Abdulmohsen Al-Abdulkarim**
199. **Rashed Zayed Mutlaq Al-Duwailah**
200. **Adel Ahmad Abdulaziz Al-Raqim**

201. Rashid Mazeid Said Al-Mutairi
202. Abdulla Abdullatif Abdulla Al-Asfour
203. Waleed Hamad Al-Fahed Al-Hamad
204. Mohammad Abed Ridha Abbas Ghaloum
205. Samir Jasem Mahmoud Al-Saffar
206. Aref Ebrahim Youssef Al-Dhowaihi (Saudi)
207. Najim Taleq Saoud Al-Muweizri
208. Nasser Hazaa Zaid Alwaalan Al-Mutairi
209. Nasser Sulaiman Farah Al-Shamry
210. Hassan AbdulAziz Qumir Abdullah
211. Khaled Jassem Hamd Al-Derbas Al-Zaabi
212. Shehab Ahmed Shaker Ali
213. Mousa AbdulRidha Abbas Ghaloum
214. Madi Hameed Obaid Al-Mutairi
215. Zaid Saadi Zaid Al-Shamry
216. Hassan Guloum Hassan Sakkin
217. Hussein Abdullah Ahmed Al-Ghallaf
218. Salah Ali Saad Al-Khouder
219. Salah Abdullatif Farhan Al-Doukhi
220. Sayed Mohammad Sayed Ali Musalam
221. Abdul Amir Hussein Ahmad Al-Qattan
222. Adnan Safar Maarafi Maarafi
223. Mohammad Sayed Ali Hamza
224. Muwanas Mubarak Muwanas Al-Muwanas
225. Adel Ebrahim Mohammad Al-Murayshed
226. Murshed Julaydan Mohammad Al-Hamad
227. Khaled Hazzah Hamad Al-Fahed al-Hamad
228. Fayed Mohammad Ali Al-Ayadhi
229. Khalid Yousef Abdullah Essa
230. Khalifa Abdullah Fahad Al-Enezi
231. Jassem Mohammad Hamad Al-Fawzan
232. Khaled Mohammad Farag Al-Shamri
233. Yussef Mohammad Hamad Al-Fawzan

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-second year

Identical letters dated 30 May 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In flagrant violation and grave breach of the relevant rules and provisions of international law, Israel, the occupying Power, continues with its aggression of military air raids and assaults on Palestinian cities and towns in the Occupied Palestinian Territory. Such illegal actions have continued to endanger the lives of the defenceless Palestinian civilian population and have caused further destruction to Palestinian property and infrastructure.

In this regard, the occupying Power has persisted with its offensive against the Palestinian civilians and their property in the Gaza Strip. During the morning hours (Palestine time) of 30 May 2007, Israeli warplanes fired missiles into a crowd of people in the town of Jablaya, killing two Palestinians and wounding several others. Furthermore, yesterday, 29 May 2007, Israeli occupying forces, backed by Israeli warplanes, infiltrated the area near the Sofa crossing in the south-east of Khan Younis, where they broke into the home of a Palestinian family, holding the residents hostage while using their home as a military base. During this incident, two people, Mohammad Abu Mua'mmar and Abdel Kareem Shaath, were killed from sniper bullets to the head. Also, in the West Bank city of Jenin, an Israeli death squad opened fire at Mohammad Marei', killing him instantly.

It is important to recall that, since the commencement of the Israeli offensive against Gaza, at least 55 Palestinians have been killed, including children, and over 200 people injured. The attacks have also resulted in the destruction of more than 70 homes, 47 security installations and 47 commercial and industrial properties. In addition, 13 vehicles have been also targeted, 9 of which were completely destroyed.

I regret to also inform you that the Israeli occupying forces have continued with their arrest campaign throughout the Occupied Palestinian Territory, including East Jerusalem. In this connection, on 29 May 2007, Israeli occupying forces broke into the home of a member of the Palestinian Legislative Council, Jamal Al-Tirawi,

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kidnapping him and six others. This latest arrest came two days after the kidnapping of the Minister of State of the national unity government, Wasfi Qabha. In addition, on 28 May 2007, Israeli occupying forces kidnapped two Palestinians from the intensive care unit at Jericho Hospital while they were receiving medical treatment. In another dangerous development, over the past weekend, Israeli occupying forces arrested over 800 Palestinian citizens from Jerusalem in addition to imposing a curfew on the neighbourhood of Sheikh Saad, south-east of Jerusalem city. In this connection, Israeli occupying forces also prevented students from reaching their schools and workers from reaching their workplaces. Israeli occupying forces even barred Palestinian Muslims from burying the dead in Bab Al-Rahmah cemetery in Jerusalem.

All of the above actions carried out by the occupying Power only provide further proof that all attempts being made to reinstate the reciprocal ceasefire in Gaza and the call for its extension to the West Bank are being intentionally sabotaged by Israel. In this regard, we continue to reiterate our calls for the immediate cessation of all illegal Israeli practices in the Occupied Palestinian Territory, including East Jerusalem, including cessation of military attacks and all other human rights violations against the Palestinian people. Accordingly, we also reiterate our call upon the international community to exert efforts to compel Israel, the occupying Power, to cease its unlawful actions against the Palestinian people, including its unlawful actions and threats against the Palestinian leadership, such as continuing attacks against and the imprisonment of Palestinian officials and the destruction of Palestinian institutions.

The present letter is in follow-up to our previous 283 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 24 May 2007 (A/ES-10/386-S/2007/308), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

In follow-up to the above-mentioned letters, it is my profound regret to inform you that, since 24 May 2007, at least 16 more Palestinian civilians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 4,554. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I should be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

Annex to the identical letters dated 30 May 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Friday, 25 May 2007, to Wednesday, 30 May 2007)

Friday, 25 May 2007

1. Ra'ed Ghattas
2. Adnan Isbeiteh

Saturday, 26 May 2007

3. Amad Shabaneh
4. Mohammad Hasan Al-Dairy
5. Ali Mohammad Al-Nashar
6. Shawqi Adel Qaljah
7. Adel Muslih Al-Saifi
8. Saher Sa'eed Dalloul

Sunday , 27 May 2007

9. Mamdouh Sh'qeirat
10. Mohammad Owaisat

Tuesday, 29 May 2007

11. Omar Abdel Haleem
12. Mohammad Ahmad Abu Mua'mmar
13. Abdel Kareem Jumaa' Shaath

Wednesday, 30 May 2007

14. Issa Hammouda
15. Omar Shaa'ban Reehan
16. Mohammad Hisham Marei'

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 4,554.